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76-907

FROM: Legislative Counsel
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NO.

DATE 12 February 1976

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OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director

I believe you have already seen the Senate confirmation debate, but I am attaching the proceedings in case you would like them for your personal records.

George L. Cary
Legislative Counsel

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January 27, 1976

Approved For Release 2005/04/02 : CIA-RDP79M00487A000200130039-4

CONGRESSIONAL RECORD - SEN

S 603

modernizing of the antiquated arbitrary hodge-podge that is our present criminal justice system. If there ever was a counsel of despair, of throwing out the baby with the bath water, it is the suggestion in your editorial that S. 1 be abandoned rather than amended, as it easily can be to remedy its defects."

Is prison forever to be the only method of punishing crime?

He then gave a sampling of the numerous improvements incorporated in S. 1 which would be jettisoned if the Journal's counsel were followed:

"A rational scale of penalties under which like offenses are subject to like sentences;

"Systematic distinction between first offenders and multiple or professional criminals;

"Appellate review of abuse of discretion in sentencing;

"An improved basis for extraditing criminals who flee the country;

A system of compensation for victims of violent crime;

"The first democratically adopted statement of the aims of the criminal justice system for the guidance of courts, enforcement officials and correctional agencies."

Professor Schwartz concluded:

"In short, although there are a dozen specific amendments required to make S. 1 acceptable, the overall aim and substantial accomplishment of the bill is to promote respect for the law by making the law respectable. The reform of the federal criminal code should be rescued, not killed."

H.R. 10850

Belatedly, on November 20, 1975, Representatives Kastenmeier (D. Wisc.), Mikva (D. Ill.) and Edwards (D. Cal.) introduced H.R. 10850, a new bill to revise Title 18 which was prepared in large part by the American Civil Liberties Union. It tracks S. 1 closely, and departs materially from the bill only in the relatively few areas where major disagreement by the ACLU with the Senate bill was only to be expected. The provisions in question deal with: the insanity defense, treatment of classified material, marijuana, the sentencing structure, death sentence, obscenity and the like. It may be anticipated that the liberal view of the framers of H.R. 10850 may incite as violent opposition from conservative elements inside and outside of Congress as some of the repressive measures of S. 1 did from the liberals.

The introduction of the ACLU legislation is bound to increase the polarization among members of Congress and hurt the cause of revision, yet two points may be made in its favor. The bill follows the provision numbering of S. 1 and consequently makes easy an examination of the sections in which the sponsors of the two bills run at cross purposes. More importantly, a comparison should bring out forcefully how much agreement resides on each side with respect to the vast majority of the provisions of both bills. Only on a limited number of highly controversial issues does significant disagreement exist.

THE ABA CONTRIBUTION

At the 1975 annual meeting of the American Bar Association, the Section of Criminal Justice secured virtually unanimous approval by the House of Delegates of a resolution endorsing S. 1 in principle, subject to a series of thirty-eight suggested amendments. In a few instances the Section preferred the counterpart section of H.R. 333; in several it disapproved of the S. 1 provision in its entirety (treatment of the insanity defense, control of prostitution, crime in federal enclaves); but in most the S. 1 approach was approved, subject to amendments to make it conform to the Standards Relating to the Administration of Criminal Justice. Very few of the proposed amendments could be characterized as sweeping.

The Section of Criminal Justice studied the Brown Report and S. 1 over a period of four years. It is certainly to be commended for its recognition of the importance of pursuing federal criminal law revision, and unquestionably its proposed amendments would strengthen and improve the Senate bill. Yet its recommendations and the action of the House of Delegates are disappointing in several important respects.

The subject matter of S. 1 deserved something more than a mere legalistic analysis of the language of a complex bill. One may well wonder how helpful anyone could find the main paragraph of the long resolution of the House of Delegates. It reads in part as follows:

"Be it resolved . . . that the American Bar Association endorses in principle the provisions of S. 1 and its counterpart H.R. 3807, now pending in the 94th Congress, 1st Session, as a desirable basis for the reform of the federal criminal laws; noting however that the Commission on Correctional Facilities and Services urges the particular importance of amendments to reflect the general principles set out in Recommendations 28, 31, 33 and 34 in Appendix A hereto and the relevant sections of the ABA Standards Relating to the Administration of Criminal Justice. . ."

Furthermore, the most criticized omissions or inclusions of S. 1 are almost ignored. The ABA takes no position on the absence of provision for gun control; it has ducked the question of capital punishment, taking refuge in the fact that it is *sub judice* in the Supreme Court; it has withheld recommendations on the S. 1 handling of the drug problem, pending a study by the association "in depth." In addition, the Section report, and consequently the House of Delegates' action, fails to call attention to the important fact that the vast majority of the bill provisions constitute law reform that is virtually beyond controversy. The ABA criticism and simultaneous support of S. 1 cannot be dismissed as unhelpful, but the Association has done considerably less than sound a tocsin summoning Congress to get on with essential legislation without further delay.

THE BAR'S RESPONSIBILITY

In light of the wreckage that crime is causing throughout the country (one family out of every four victimized); of the financial burden that crime and its prevention imposes upon us annually (around \$100 billion, or a tenth of the gross national product); and of the unique capability of lawyers to provide leadership in a field in which they have more expertise than almost all others, the apparent lack of concern of the profession is difficult to explain.

We are apparently ready to stand by and allow Congress to resolve some of the most important criminal law issues of our times with scarcely a word of advice, support, or even opposition, from the organized bar. Within the framework of revision of Title 18 as a whole, rest among others the following great questions of the day:

Are sentences of imprisonment to be left, as heretofore, to the whim of a judge who may be guided entirely by the theory that only severity of punishment will block crime, or should sentencing be placed on a more uniform, scientific basis conforming to modern principles of penology?

Should we continue to fight drug abuse only with the savagery of heavy punishment, or with up-to-date principles of crime prevention and control?

Do victimless crimes and minor infractions of law deserve the inordinate share of police time and effort now devoted to them at the cost of serious diminution of the protection of society from crimes of violence?

Must we continue to punish the criminal neighbor by homicide rather than

give up the absolute right of everyone to bear all kinds of arms for whatever purpose?

Is prison forever to be the only method of punishing crime, or might a modern scientific effort be made to utilize probation as a supplementary method?

Must we accept recidivism as unconquerable rather than try to arrest it by a wholehearted system of rehabilitation?

The mere delineation of those issues should make clear how hopeless it would be to expect a single piece of legislation to resolve every one of them satisfactorily. It seems obvious that several of the questions demand separate legislation carefully drafted and followed by time for what may be prolonged debate. To attempt to package all the solutions in an omnibus treatment, as have the framers of S. 1 and H.R. 10850, simply invites the possible rejection by Congress of any revision whatever.

It is here that one might have expected the leadership of the profession to offer guidance to the Congress. Instead of being content to stand by and witness the crushing to death of this important legislation between the extremists of the right and those of the left, the American Bar Association might well have called for the elimination of the controversial provisions and the enactment of the portions of S. 1 on which nearly everyone can agree.

That is not to say that the provisions of the code governing wiretapping, drug abuse, capital punishment, obscenity and gun control should be ignored. Obviously, they are in great need of reexamination and revision. The bar should call for new legislation in those areas without delay. There is no persuasive reason, however, why the other portions of Title 18 should be hung up until agreement on the controversial portions is reached.

MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without the time being taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Who yields time? We are under controlled time.

Under the previous consent agreement, debate on any amendment, except an amendment based on article VII of the Conservation Treaty of 1958, on which there shall be 3 hours of debate, with only 1½ hours of that time to be utilized today, shall be limited to 1 hour with 10 minutes on any debatable motion or appeal.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:45 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:45 p.m. today.

There being no objection, the Senate, at 11:13 a.m., recessed until 12:45 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. Ford).

QUORUM CALL

The PRESIDING OFFICER. The Chair suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services and the Committee on Foreign Relations may have until midnight tonight to file a report on House Joint Resolution 549, dealing with the covenant with the Northern Mariana Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MCINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. GARNER). Without objection, it is so ordered.

EXECUTIVE SESSION—NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now go into executive session to consider the nomination of Mr. George Bush to be Director of Central Intelligence.

The clerk will state the nomination.

The assistant legislative clerk read as follows:

Nomination. Central Intelligence, George Bush of Texas, to be the Director.

The PRESIDING OFFICER. Debate on this nomination is limited to 2 hours to be equally divided and controlled by the Senator from South Carolina (Mr. THURMOND) and the Senator from New Hampshire (Mr. MCINTYRE) with the vote thereon to occur at 3 p.m.

The Senator from New Hampshire.

Mr. MCINTYRE. Mr. President, I ask unanimous consent that two members of my staff, Mrs. Elizabeth Webber and David LaRoche be granted the privileges of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCINTYRE. Mr. President, I yield myself 5 minutes.

Mr. President, yesterday in this Chamber I expressed my reasons for opposing the confirmation of Mr. George H. Bush as Director of the Central Intelligence Agency.

I said that the appointment of so clearly perceived a political figure to direct the rebuilding of this Agency would undercut two self-evident priorities:

First. The need to restore CIA probity by insuring the Agency's future adherence to its statutory purpose and by insulating the Agency from political corruption of that purpose.

Second. And, equally important, the need to convince the American people that the restoration effort is sincere and that the end result can be trusted.

We are about to vote on this matter, Mr. President, but I would like to take a few minutes to emphasize these fundamental considerations.

The majority report on the nomination makes two important points:

First. That whoever is named to this post must be insulated from political considerations if he or she is to be effective and objective in intelligence gathering, and that he or she must use the substantial and secret power of the office scrupulously within the law, even when political or personal interests may pressure otherwise.

Second. That the intelligence community, the Congress, and the American people must always have full confidence in the character of the Director of Central Intelligence.

Can anyone in this Chamber question those objectives? They are from the majority report on this nomination.

If the answer is "no," as it ought to be, then why, I ask, did the President choose this particular moment in the CIA history to nominate an individual so certain to inspire skepticism?

Why now, of all times, does he ask us to break the 27-year history precedent of nonpolitical Directors of the CIA?

This is not a routine Executive appointment wherein the President's desire for a "team player" has some legitimacy.

This is not a Cabinet appointment wherein the nominee is expected to serve his President as an instrument of Executive policy and power.

This is not even comparable to the nomination of a Supreme Court Justice, wherein the President's desire for an appointee who shares his court philosophy is understandable and precedented, and where the ultimate independence of the justice is carefully insulated by tradition and the Constitution.

No, my colleagues, this nomination is for the directorship of an agency whose functions are vital, yet difficult to reconcile with the values of a free people under the best of circumstances, and with all the evidence of abuses by and

of the agency, these are surely not the best of circumstances.

To confirm any nominee to this post at any time requires an act of faith on the part of each Member of this body, acting in behalf of the public at large.

To confirm this nominee, at this time, under these circumstances, demands more than an act of faith, it requires an insensitivity to public skepticism over the prudence and propriety of the nomination itself.

In short, Mr. President, the nomination of a clearly perceived political personage to insure the purpose and protect the integrity of an agency so recently vulnerable to political subordination does not inspire public confidence. It simply raises suspicion, doubts, and cynicism at a time when the CIA desperately needs trust, faith, and confidence.

One more point, Mr. President.

Should he be confirmed, Mr. Bush will be the fourth CIA Director in only 3 years.

When it considered the nomination, the committee addressed the important question of tenure, and properly stressed the need for continuity of leadership at this critical stage in the life of the agency.

The majority of the committee was satisfied on this point when the President took Mr. Bush off the list of Vice Presidential possibilities, ostensibly assuring us that the nominee would occupy the post at least through the upcoming campaign.

But if extended tenure is a real consideration, as I believe it is, how is that concept served by confirming a political person in that post during a Presidential election year?

Where is the guaranty of tenure beyond January 20, 1977, if anyone other than Mr. Ford is sworn in as President? Where is the guaranty of tenure there?

And where does this leave the CIA? Can the prospect of a political appointee as Director, and all that this portends, improve morale within a demoralized Agency any more than it can inspire public confidence outside the Agency?

I fear not, Mr. President. I fear not.

In conclusion, then, I urge my colleagues to weigh very carefully the precedent we are being asked to set today and to ask themselves whether this nomination is, in fact, in the best interests of the CIA or will in any way enhance public confidence in the Agency . . . or, for that matter, in the Senate of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the the Senator yield me 6 minutes? I understand the Senator from South Carolina has control of the time.

Mr. THURMOND. I yield 6 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, this nomination before the Senate, for Director of Central Intelligence is, of course, one of overwhelming importance. The nominee is Mr. George Bush, as is well known.

After hearings in December last the Services voted 12 to 4 to favorably report this nomination.

ferred greatly in the last 10 years. Having been deceived by the official lies surrounding American involvement in Vietnam and the deceit and corruption of Watergate, the American people are justifiably cynical about their Government.

One of our first priorities must be the restoration of trust in our traditional institutions—a trust that is deserved. The CIA must be rebuilt, both as an effective agency of Government, and as an institution worthy of public support. One cannot be done without the other. The CIA must again be perceived as an efficient intelligence-gathering agency rather than an elite arm of the administration. Public support of American foreign policy objectives requires public support of the CIA, which is so intricately involved in the formulation of that policy. The success of arms limitations agreements requires accurate verification of information. The size of our defense budget is largely dependent on the magnitude of the Soviet military effort—an assessment that must be accurate and unbiased. The American people must feel confident that these decisions, and a host of others, are being based on efficient and honest intelligence-gathering, if we expect them to support our foreign and defense policies and goals.

The Director of the CIA, the most visible symbol of that agency, must be a person capable of successfully completing this rebuilding effort in an atmosphere that is perceived as free from any and all political considerations. Like Caesar's wife, he must be above suspicion. And that is the problem confronting us by this nomination. For the fact is that in the nomination of Ambassador Bush we are facing a problem of perception as much as of fact.

Mr. President, I have been greatly troubled by this nomination. In the course of the hearings in the Armed Services Committee or elsewhere, I have heard nothing that indicates that George Bush is anything but a highly professional and honest man. He has earned an excellent reputation in all of his previous agency of Government, and as an insti-public positions. He served with distinction in the House of Representatives. For almost any other position that the Senate must give its consent to, I would not oppose his confirmation. In ordinary times I might not oppose his confirmation as CIA Director. But these are not ordinary times.

The job of Director of the Central Intelligence Agency, along with that of FBI Director, demands more than an honest, capable, and professional person, even though it demands all of these attributes. It demands someone who will be perceived by the public as free from political pressures in rebuilding the Agency. In normal times this alone would not, in my opinion, disqualify someone with a political background from the job. But in these times, I must conclude that a highly partisan political background is an insurmountable obstacle for this post.

The distinguished chairman of the Armed Services Committee, Mr. [Name], let me say to you that I feel about this particular nomination in

a stepping stone to the vice presidency, he would question his judgment. Mr. President, if he or if anyone were using it as a stepping stone to the vice presidency, I would question his sanity. But that is really not the issue.

Obviously, the CIA needs a director who will be independent of the White House, a person who can resist pressures from all outside sources. The nature of the job, that of providing the President and his foreign policy advisors with objective analyses of events in areas of the world of interest to the United States, demands that high degree of independence.

Not only must the director of the CIA be independent in fact; he must also have the appearance of independence. The public must perceive him as a professional, not a political ally of the President. In my opinion this is a sine qua non for confirmation. George Bush obviously does not satisfy that essential requirement.

Mr. President, this should not necessarily rule out everybody who has been involved in politics. However, Ambassador Bush does not have an ordinary political background. We are not talking about a man who has simply served as an elected official; we are talking about a man who has served as national chairman of one of our two great political parties. We are considering the confirmation of a man who has been nominated by the President out of a desire, as the President himself put it, to have "one of his boys," a member of his team, as Director of the CIA.

The fact that the President has removed Ambassador Bush from consideration as his running mate this year does not diminish the fact that he has been and remains a leader of his party—and I might add a capable one.

Mr. President, I believe that this nomination, if confirmed, would reaffirm the cynicism already rampant among the American people. It will be perceived as yet another example of politics as usual. And politics as usual has resulted in Vietnam, Watergate, FBI abuses, and CIA abuses. It is time to begin putting an end to that prevailing attitude in this country.

As we consider this nomination, we must keep in mind that public opinion of the CIA has reached its nadir. This nomination does not begin to change that negative impression; in fact, from what I hear from my constituents, it only reinforces it. The rejection of this nomination should not and would not be viewed as an affront to Ambassador Bush, a fine public servant. It would be perceived as a concrete manifestation of the intent of Congress to rebuild the CIA and to restore to it the confidence and trust of the American people.

I thank my distinguished colleague from New Hampshire. I yield back whatever remaining time I have.

Mr. McINTYRE. May I ask the Senator to expand a little bit on the reaction he has had from some of his constituents to this nomination?

Mr. McINTYRE. May I ask the Senator to expand a little bit on the reaction he has had from some of his constituents to this nomination?

visits back home, in mailings, and on radio talk shows. As the Senator from New Hampshire knows, I do not come from a State which is noted for being heavily anti-Republican. In fact, I am the first member of my party ever to be elected to the Senate from that State.

Mr. McINTYRE. May I interrupt to add my congratulations. I hope that many more Senators who share the concern of the Senator from Vermont come to the Chamber.

Mr. LEAHY. I thank the Senator.

I will tell the Senator that the people in Vermont are very concerned about this nomination. I think the people in Vermont are strongly behind the idea that the CIA and FBI are necessary institutions of our Government, but they have been very, very concerned about the revelations they have heard. They feel that both of these agencies have been badly damaged by misconduct, by improper activities, and they want to see them restored to a position of trust.

I used the expression here of politics as usual. I heard that time and time again from Vermonters, including many people I would consider basically conservative Republican Vermonters. They are all very concerned. They feel that this nomination just masks some kind of a political reward. That is the way it is perceived.

Mr. McINTYRE. Mr. President, I want to thank the distinguished Senator from Vermont for his fine statement. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Will the Senator yield 7 minutes?

Mr. TOWER. I yield 7 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the pending nomination of Mr. Bush as Director of Central Intelligence. It is my belief that he would fulfill well the difficult job of managing the CIA in the present environment promulgated by numerous events.

Mr. Bush has the individual traits necessary for such a high position. He is a man of integrity, extraordinary ability and intellect. He has already brought these substantial capabilities to bear in several positions of great responsibility: First, as the recent U.S. liaison chief with the Peoples Republic of China, and prior to that as U.S. Ambassador to the United Nations.

BROAD EXPERIENCE

These high appointments came following his service in the U.S. House of Representatives and as National Chairman of the Republican Party. Earlier he was a successful manager of a petroleum company. Further, contrary to some expressed viewpoints, I weigh his tenure as Chairman of the Republican National Committee as an asset in assuming the CIA directorship. Some of the difficulties which the CIA has encountered might have been avoided had more political judgment been brought to bear. Mr. Bush himself made it clear in his confirmation hearings that political partisanship has no place in the CIA and that his political experience would be an asset once he assumes Directorship of the CIA.

I judge, Mr. President, that probably there would have been a unanimous report had there not been this question about whether Mr. Bush could conceivably be a candidate for Vice President of the United States, along with Mr. Ford as President.

But before we get to that, I support this nomination on the basis of the character, the integrity, and the proven ability and judgment of this nominee.

I have seen a good many of them come and go.

I have not had a chance to know Mr. Bush personally in the past. I knew him on a kind of official basis, but not intimately at all.

I talked to him for an hour and a half in my office after this nomination came in and I ask all the questions I could think of. The responses not only satisfied me as to these qualifications that I have mentioned, but I was most favorably impressed with the man, as a man of candor, frankness, aptness, and ability.

His background is well known by now as a successful representative of the Government in various capacities where he served. He spent 4 years in the House of Representatives, which is a fine experience, indeed. I think that helped prepare him for other posts in the executive branch, and is certainly not anything that would disqualify a man.

He has had a business career in Texas which was exacting and demanding. He emerged from that in a successful way.

His services in diplomatic assignments impressed me very much. He was Ambassador to the United Nations in 1971. Those were trying and telling days for the United Nations. The war in Vietnam was still a very active and disturbing event for the United States and a worldwide event of the greatest concern.

He went from there to be chief of the Liaison office in the People's Republic of China where he effectively performed his duties.

I did not hear one iota of real criticism of his services in all these positions, either on the record or off the record.

I am not here to praise anyone. He is no friend of mine. This is strictly an official function.

There was a question raised about this job—Director of the Central Intelligence Agency—as a stepping stone to the Vice Presidential candidacy. I told him, and later said in open hearings in the committee, that if I thought he did not have any more political and governmental judgment than to think that service as Director of Central Intelligence would be promoting him, recommending him in any way, for Vice President of the United States—if that was his judgment, or lack of it—I would vote against him for Director of Central Intelligence.

Because, politically, I do not think there is any doubt—there is no doubt in my mind—that it would be a great handicap, a great handicap to his becoming a candidate, much less being elected, as Vice President of the United States.

Anyone that wanted to had the right to ask the question, I am not critical of that. But I admired his answer when asked if he would propose himself to be

candidate for Vice President. He respectfully declined to make any binding assertion of that kind.

Mr. President, may I have an additional 2 minutes?

Mr. THURMOND. Mr. President, I yield 2 additional minutes to the Senator.

Mr. STENNIS. I admired his attitude and openly approved it and I approve it now.

He said "no," that he would not make any such promise. He would not bargain away any part, or one iota of his citizenship in such a way, just to be approved for this appointment or any other appointment.

As I say, I am glad he answered that way. I would have thought less of him had he not. But as it worked out, the development came from the other direction. The President of the United States wrote to me as chairman of the committee and for the committee. I have a letter here dated the 18th of December 1975, which we put into the record of the hearings.

I ask unanimous consent that a copy of the same letter, Mr. President, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. So, Mr. President, we have a man here that I do not come to praise, but I come to state that from the record, the man—his attainments, his intelligence, his undoubted dedication and solid patriotic motives—fills the bill.

He is accepting this position, if it is finally reached by him, as a solemn obligation and because of his responsibilities as a citizen of the United States. He is coming in response to the call of the President of the United States.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. Will the Senator yield me half a minute?

Mr. THURMOND. Yes.

Mr. STENNIS. I have said the Senate would be amply justified in approving this nomination. Moreover, I think the office is such that there ought to be as large a vote of confirmation here as the Senate could possibly give. I hope the Senate does that.

I thank the Senator for yielding to me.

EXHIBIT 1

THE WHITE HOUSE,

Washington, December 18, 1975.

HON. JOHN C. STENNIS,
Chairman, Armed Services Committee, U.S.
Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As we both know, the Nation must have a strong and effective foreign intelligence capability. Just over two weeks ago, on December 7th while in Pearl Harbor, I said that we must never drop our guard nor unilaterally dismantle our defenses. The Central Intelligence Agency is essential to maintaining our national security.

I nominated Ambassador George Bush to be CIA Director so we can now get on with appropriate decisions concerning the intelligence community. I need—and the Nation needs—his leadership at CIA as we rebuild and strengthen the foreign intelligence community in a manner which earns the confidence of the American people.

Ambassador Bush and I agree that the Nation must have a strong foreign intelligence capability.

must take precedence over other considerations and there should be continuity in the CIA leadership. Therefore, if Ambassador Bush is confirmed by the Senate as Director of Central Intelligence, I will not consider him as my Vice Presidential running mate in 1976.

He and I have discussed this in detail. In fact, he urged that I make this decision. This says something about the man and about his desire to do this job for the Nation.

Thank you, Mr. Chairman, for your efforts on behalf of Ambassador Bush's nomination. I will deeply appreciate your efforts to expedite approval of this nominee by your Committee and the full Senate.

Sincerely,

GERALD R. FORD.

Mr. MCINTYRE. Mr. President, I yield 10 minutes to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator from New Hampshire.

Mr. President, before I begin my remarks, I ask unanimous consent that, during the vote on the Bush nomination, Douglas Racine of my staff be granted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, for more than 1 year the Nation has been subjected to a seemingly endless litany of abuses of power by the Central Intelligence Agency. Assassination attempts, interference in the internal politics of friendly governments, and other covert activities in addition to illegal domestic activities which strike at the heart of our personal liberties have been reported ad nauseum. The fact is that the CIA is crippled, unable to perform the crucial tasks for which it was created.

I am firm in my conviction that the congressional investigations of the CIA that have exposed those abuses have been necessary. They were not meant to destroy the CIA. I do not believe that any Senator desires that. We all recognize that the CIA must be capable of continuing its intelligence-gathering activities. It would be naive to think that a country with the military power and global responsibilities of the United States could survive without an intelligence community. These investigations were meant to uncover the wrongdoings of the past and the weaknesses of the present so that such incidents can be prevented in the future; and more important, so that public confidence in the Agency can be restored.

Because of the past year's revelations, public confidence in the CIA has been virtually destroyed. The public has seen the legitimate functions of the CIA subverted by the political manipulations of Presidents, Republicans and Democrats. Improper activities against foreign governments and political groups have been undertaken at the whim of CIA officials or under Presidential directive. Accurate intelligence information has gone unheeded because it conflicted with the policy goals of various administrations, Republican and Democrat. The CIA has too often been a political tool of Presidents, rather than the intelligence-gathering tool it was intended to be when created by the Congress in 1947.

In fact, public confidence in most of our governmental institutions has suf-

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select committees, for almost a year. It has been in the headlines for a much longer period. Its future role and responsibilities are in doubt.

At this critical time, the CIA must have a noncontroversial, full-time Director. This Director must be able to restore morale to the Agency and guide it through the difficult months ahead. Despite President Ford's statement that Mr. Bush would not be his running mate in 1976, I have serious doubts whether Mr. Bush would be retained as Director of the CIA should a Democrat be inaugurated in January 1977. I fail to see how a Democratic President could keep a former chairman of the Republican Party on as Director of the CIA. I can see, and would expect to see, a Democrat retain a respected, nonpolitical CIA Director. Mr. Bush's confirmation as Director will, therefore, leave the Agency in a state of uncertainty about its future leadership. This is a mistake.

I oppose Mr. Bush's nomination for another reason. I simply do not agree with his views on CIA covert action. During his confirmation hearings Mr. Bush stated that, as Director of the CIA, he would not rule out attempts to overthrow constitutionally elected governments. In his words

I think we should tread very carefully on governments that are constitutionally elected.

Mr. Bush believes our adversaries play rough, and they do. He appears to believe that we must, on occasion, play by their rules. I do not agree. During the Senate select committee's assassination inquiry, we uncovered a document written in 1954 by the Doolittle Commission. The Commission had been formed to advise the President on CIA covert activities. The introduction to the Commission's report stated that this country may have to adopt tactics "more ruthless than [those] employed by the enemy" in order to meet the threat from hostile nations. I reject this philosophy, but apparently Mr. Bush does not.

Mr. Bush's views on legislative involvement in covert action decisions also concern me. He appears to believe that covert action decisions are among the President's "inherent powers" and that Congress should be informed, but not consulted, about covert operations. During his confirmation hearings Mr. Bush stated as follows:

I think it is the obligation of the President to determine the covert activities and I would say after plenty of adequate consultation with the NSC and representatives of the intelligence community, but I think he must make that decision and I do not think it ought to be a joint decision . . . I think that is what the Presidents are elected to do.

Mr. Bush does believe that Congress should be informed of covert operations. But when Congress should be informed is another matter. He does not believe that Congress should be informed simultaneously with the President's decision to go ahead with a covert operation. When I asked him during the confirmation hearings whether Congress should be informed, he stated:

I would say timely notification but I would not want to tell you that I thought that should be done simultaneous with the President making a decision. . . . I think there are some areas where the President has those inherent powers and he should be allowed to proceed.

I reject Mr. Bush's concept of the President's inherent powers to proceed in covert operations without prior consultation with Congress.

President Ford made a mistake in nominating George Bush to be Director of the CIA. Mr. Bush is not prepared for the job. During his 2 days of confirmation hearings Mr. Bush repeatedly stated that he could not answer specific questions because he had not been briefed. The President should have appointed a man who has some, although not necessarily extensive, background in intelligence so that he would not be starting on the ground floor.

In 1947 Allen Dulles stated:

Appointment as Chief of Central Intelligence should be somewhat comparable to appointment to high judicial office, and should be equally free from interference due to political changes.

The appointment of Mr. Bush does not conform to this good advice.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GARY HART. Mr. President, will the Senator yield another minute?

Mr. McINTYRE. I yield 1 additional minute.

Mr. GARY HART. The Rockefeller Commission made a number of comments concerning the Director of Central Intelligence. The Commission stated:

The best assurance against misuse of the Agency lies in the appointment to that position [Director of the CIA] of persons with the judgment, courage, and independence to resist improper pressure and importuning, whether from the White House, within the Agency, or elsewhere.

The Commission recommended that:

Persons appointed to the position of Director of Central Intelligence should be individuals of stature, independence, and integrity.

Mr. Bush's stature and integrity are not in question. His independence, due to his political past and possible future, is. It is this appearance of possible lack of independence which raises serious doubts about the President's judgment in appointing George Bush to be Director of the CIA. One of the reasons President Ford gave for firing William Colby was that he wanted his "own team." Mr. Colby was not a member of Mr. Ford's "team."

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. McINTYRE. I yield to the Senator 1 additional minute.

Mr. GARY HART. I thank the Senator. Apparently, the President believes Mr. Bush will be a good "team" member. I do not believe this quality is appropriate for the Director of the CIA. Setting the precedent of having good "team" members in the CIA is a dangerous one. It may be in the future.

I thank the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield myself 2 minutes.

Will the Senator from Colorado respond to a question or two that I have?

Mr. GARY HART. I am glad to respond.

Mr. McINTYRE. Mr. President, it is my understanding that the Senator from Colorado has served now for a year on the Select Committee to Study Governmental Operations with respect to intelligence activities. Is it permissible for the Senator to tell me in open forum how large is the CIA? How many individuals?

Mr. GARY HART. I think it is a matter of public record that the total employee rolls of the CIA are in the neighborhood of 15,000.

Mr. McINTYRE. Fifteen thousand.

I asked that question because he refused to tell us in a telephone call. Perhaps that was not the right way to go about it.

Let me ask the Senator another question. I, too, was struck by President Ford's desire to have his own team, as he expressed it, and I certainly could understand why a President, in the difficult job that he has, would want that. But is it the conception of the Senator from Colorado that the posts of Director of the CIA and the Director of the FBI are like Cabinet posts? Does the Senator conceive them to be like Cabinet posts?

Mr. GARY HART. The position of Director of Central Intelligence is unique. It was designed to be a position directly responsible to the President of the United States. During the past year in which the Select Committee on Intelligence has looked into the intelligence community, we have seen too many occasions under both parties and several administrations where that peculiar relationship between the President—the White House—and the CIA has been abused and misused.

Unfortunately, a lot of the abuse and criticism that the CIA has received has not been the responsibility or the fault of the CIA. It has been because of the direct pressure from the White House, as I say, under various administrations and both political parties.

It is because of that kind of pressure that I certainly feel that I must strongly oppose this nomination.

We should do everything we can to break that link, the kind of political pressure that the President can bring on that appointee.

Mr. McINTYRE. Mr. President, I yield myself as much time as I need.

I say to my good friend from Colorado that I never will be able to forget the incident in which Mr. Ehrlichman called the Deputy Director of the CIA, then, I believe, a Major General Cushman, and said, in effect, he was sending a man over and to take care of his needs. That man was Howard Hunt.

The questions that were asked by that Senator were very minor. He did not question the authority because he

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IMPRESSED COMMITTEE

Frankly, when he appeared before our committee I have rarely seen a witness carry the day, so to speak, and was the impression of integrity and competence which he portrayed to the members. His frank handling of sensitive areas of questioning, and his sound views on gathering, management and use of intelligence obviously won him some votes after what appeared to be various reservations based upon his political background.

The high regard in which he was held by the committee obviously had something to do with the request from some of the members that the President state in writing that Ambassador Bush would not be offered the post of Vice President, later in the year. While continuity was given as the reason for tenure, I doubt this would have been required of a man of lesser ability than the nominee now under consideration by this body.

POLITICAL RESERVATIONS

Frankly, I do not agree with stated viewpoints of some of my colleagues that the fact of past political activity on the part of the nominee has discredited him in the eyes of the public. I have not seen, certainly in my own mail, nor heard of any other Senators receiving significant public opposition to his appointment. The mail I have received on the CIA has deplored the public disclosure of highly sensitive CIA matters from congressional sources.

Further, earlier this week even the Washington Post published an article stating the public was shocked and dismayed by the placing on the public record in the Congress of highly sensitive matters. These revelations, often from unnamed sources, involved covert and other secret activities approved by Presidents elected from both major political parties. That is where the public concern lies, on disclosures which are tearing down the CIA, not upon the selection of this highly competent man to repair the damage of this overexposure.

At this point in my remarks, Mr. President, I ask unanimous consent to have printed in the Record an article in the January 23, 1976, issue of the Washington Post entitled "Climate Is Changing for Reform of CIA."

There being no objection, the article was ordered to be printed in the Record, as follows:

CLIMATE IS CHANGING FOR "REFORM" OF CIA
(By Laurence Stern)

A drastically altered political climate will greet outgoing Central Intelligence Agency Director William E. Colby when he appears on Capitol Hill today to offer his prescription for reorganizing the intelligence community.

Just a few months ago there were predictions of major legislative surgery for the CIA—talk of ending covert operations, splitting off the analytical and operational branches of the agency, relocating the director to put him in the White House.

Now the forces for maintenance of the status quo are emerging as the Senate Government Operations Committee moves into the law-drafting stage of the intelligence controversy, which has been liveliest subject of political interest in Washington since the Watergate scandals.

Traditional congressional intramural politics, for example, are now coming into play on the intelligence reform issue.

Some congressional observers saw this as the underlying reason for the announcement by Sen. John G. Tower (R-Tex.) Wednesday that he opposes formation of a new oversight committee to monitor the intelligence community.

Tower urged instead that the oversight function be left in the custody of the Armed Services committees, which have performed it for more than a quarter of a century in a spirit of clubby toleration. As the second-ranking Republican on the Senate Armed Services Committee, Tower enjoys a position of influence on that panel.

The White House and intelligence community would gladly settle for that arrangement in place of the present congeries of six congressional committees that have a consultative role on CIA matters.

In the Senate there is a growing consensus for separate House and Senate oversight committees rather than a single joint panel. The fear among Senate advocates of tighter congressional control is that a joint committee bill might perish in the House or in conference.

The administration favors a joint committee approach to minimize the number of congressional staff personnel involved, since staffers are regarded by the intelligence professionals as potential leakers of national security secrets. It would also reduce the number of trips required between the CIA's Langley headquarters and Capitol Hill, where Colby has spent a larger portion of his tenure than any of his predecessors in the directorship.

The one issue upon which virtual unanimity has developed between administration officials and members of Congress is the demand for stronger punitive action against those in government and even in journalism who make public classified material.

It was in this spirit, perhaps, that Sen. Charles H. Percy (R-Ill.) asked one of yesterday's witnesses, former CIA official David Phillips, for a full explanation, of Britain's Official Secrets Act, which imposes far-ranging official censorship over a wide range of governmental action—not only of a national security nature—and makes disclosure punishable by criminal prosecution.

Colby is supporting a legislative proposal that would impose criminal punishment on government employees for divulging classified information during or after their active service.

There are also strong punitive provisions for disclosure of government secrets proposed in the bill known as S.1, which would recodify the U.S. Criminal Code and is awaiting action in the Senate.

One congressional participant in the intelligence "reform" process now under way prophesied that the net effect of the legislative labor on the intelligence issue will be to produce "an American official secrets act and no reform."

SOUND INTELLIGENCE VIEWS

Mr. THURMOND. Now turning away from the politics of this nomination, I would like to point out some of the more substantive issues which came out of the hearings. Mr. Bush made it clear he saw the need for a strong intelligence community, but one which would in no way abuse its power.

He maintained the CIA should stay strictly in the area of foreign intelligence and coordinate the activities of the other agencies so involved. Mr. Bush also noted the culmination of these efforts would be to provide the President and the National Security Council objec-

tive analysis, and in cases where strong differences in opinion may occur such differences would be footnoted.

He stated that he would take seriously the Director's responsibility to protect intelligence sources and unauthorized disclosure. Further, he pledged to work out a relationship with the Congress which would meet the legitimate and necessarily expanded oversight responsibilities of the Congress.

CAN WORK WITH CONGRESS

Mr. President, the position is one of great importance, and I do not wish to raise any personal point with any of my colleagues. Each is entitled to his own views and has an obligation to his constituents to represent them in that way. However, it is my feeling that a man with experience in the Congress, where most of the complaints are being heard, may well be able to deal more effectively with the serious problems now facing the CIA.

Further, his roles as Ambassador to the United Nations and Liaison Chief to the Peoples Republic of China certainly should have given him a realistic idea of the issues of other countries in which the United States has a national security concern.

Therefore, based upon the recognized integrity and competence of the nominee, I urge the Senate to view this nomination in the most objective light possible, as the new Director of this Agency needs strong congressional support if he is to meet the problems ahead.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. GARY HART. I thank the Senator from New Hampshire.

Mr. President, on November 3, 1975, President Ford announced his intention to nominate George Bush to be Director of Central Intelligence. Despite my respect and admiration for the man, I must oppose his nomination. He is, simply, the wrong man for this job.

The CIA must stay out of politics. The appointment of a partisan politician to be Director of the CIA will create a bad precedent. Although I have no reason to believe that Mr. Bush would politicize the CIA or bend intelligence judgments to meet political needs, we might not be as fortunate with future political Directors of the CIA.

The CIA has had eight Directors since it was created in 1947. Three—Roscoe Hiltenkoetter, Walter Bedell Smith, and William Raborn—have come from the military. Two—Richard Helms and William Colby—have come from within the CIA. Three—Allen Dulles, John McCone, and James Schlesinger—have come from distinguished private and government careers. None has come from political life. This tradition should be maintained.

The appointment of Mr. Bush is a disservice to the CIA. The Agency is at a critical period in its history. It has conducted illegal domestic activities in this country. It has been misused, and abused, by American Presidents. It has been the subject of a Presidential commission and two congressional

low throughout the rest of our lives? I do not agree with that, because I know many men and women who have served in politics, served well, and have gone on to serve their communities and their States and their businesses with equal success. I will not say that this holds across the board, but it does to a large extent.

"Politician" means a person skilled in the art of politics. A doctor is skilled in the art of medicine. An economist is skilled in the art of understanding the economy.

With his skill as a politician, George Bush also is skilled as a businessman, a very successful, more or less self-made businessman, in Texas. He is a family man and he is a religious man. But I think the most important thing to remember is that he is a successful man.

Mr. President, if there is one thing we need a lot of in politics and in Government, it is more people who have had success in life in something other than the mere profession of politics. This job—and I say this after having served on the Intelligence Committee for a year—needs the particular talents that Mr. Bush has: the ability to understand a new assignment, the ability to apply his integrity, and the ability to see that the job is run in a proper way.

I admit that, as a member of the committee and as a Senator, I might have preferred to have had George Bush bubble up from the bottom, through the whole chain of command of the CIA, but that is not possible. We do not see that happen. We do not see it happen in the Post Office. We do not see it happen in any other division of Government. The job always has been given to someone who it was thought could do the job.

There is one thing that these hearings have said to me. I may be in the minority in saying this. Everything that the CIA has done that has brought discredit on the CIA was done at the orders of the White House. I repeat that—done at the orders of the White House. We have spent months and months trying to hide that, but we cannot. In fact, I recall that several members of the CIA, when asked under oath, "Would you lie to protect the Office of President?" All said, "Yes." It means more to them to see the White House protected, evidently, than whether or not their own names come out of it all right.

So here is a case, I think, in which Mr. Bush's particular talents—yes, even including his experience in politics—will stand him well; because, knowing politics, he will be better able—when the President tries to talk the next CIA group into something that might be considered morally wrong by many Americans—to point out to the President, in a political sense, why it is wrong.

I do not want to see the charge stand any longer against the CIA that they and they alone have been responsible for everything that has gone on for which they have been discredited. I do not think we have a finer man serving the American people than Mr. William Colby.

I think the former heads of the CIA have all been exemplary men who have merely done their jobs. Their jobs are now catching the attention of the press,

I guess mainly because the press has not much more to worry about right now. So, Mr. President, I hope that this body will approve Mr. Bush. If he has one thing against him, it is that he has been a successful American. For that reason, many of our colleagues—I hope not too many—seem to feel that he would not make a good head of the CIA, or the fact that he has been a politician might stand against him. Mr. President, if that is the case, none of us has a very bright future.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, I shall start by limiting my support to the words of the distinguished Senator from Colorado (Mr. GARY HART), whose statement was considerably more articulate and formalized than mine will be.

First of all, I have never heard anything from Mr. Bush's friends or his business associates except the very highest praise. I think it is regrettable that the President would send the nomination of a man who is so highly esteemed to this body for this position and cause me, in my own mind, to be forced to cast a vote against his nomination simply because I think the precedent is too devastating for the Senate to accept.

It was interesting to me that the President sent the name of John Paul Stevens to this body as his choice for the Supreme Court, and not one dissenting vote was cast against the appointment. I heard many of my colleagues say, "Why cannot the President send men of that caliber, whom everybody in the Senate can support wholeheartedly and be very happy about? Why is the Senate placed in the position of not being able to applaud the President in every instance for his discretion?" I regret, as I say, that the President now forces me to vote against a man whom I could support for almost any other position within the President's appointment power. But Mr. President, I think the precedent is simply too critical.

I think there is a degree of professionalism that this unique position as head of the CIA requires that would be missing. So far as politics are concerned, I have no doubt that if the next President happens to be a Democrat, one of the first orders of business will be to ask Mr. Bush for his resignation. I have known the past four Democratic Party chairpersons, all fine people. So far as I know, their thoughts and their ideals are no less noble than Mr. Bush's. But I want to go on record now as saying that I would not support any of them, should anyone of them be nominated, for such a unique position, which simply must be above all suspicion of political ties or influence.

I was interested in the Armed Services Committee, which, as you know, voted Mr. Bush's confirmation out by a vote of 9 to 4. I respect that committee. They asked him about his possible candidacy for the Vice Presidency. Apparently, it took some time to get him to agree and the President to agree that he would

not be a candidate for Vice President. It occurs to me that this was a rather strange request, coming after the known fact of Mr. Bush's strong partisan party affiliation. The President's reply certainly was not the litmus test for me. But I notice that the majority of the committee said that after questioning Mr. Bush, they had concluded he would be able to rise above partisan politics. Mr. President, I think that is a burden which neither the President nor this body should ask him to bear.

I thank the distinguished Senator from New Hampshire for the time.

Mr. MCINTYRE. I thank the Senator from Arkansas for his fine statement.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, it is my privilege and pleasure to support the nomination of George Bush to be Director of the Central Intelligence Agency. A considerable part of my professional career the last few years has been devoted to matters of concern relating to the security and well-being of this country. The Presidency as an institution, the intelligence community as it now exists, law enforcement agencies as they relate to the fundamental welfare of the country and the rights of individual citizens are all significantly influenced by the Agency Mr. Bush will head. My concern in these respects has been the disoutgrowth and product of that happy—indeed, that dreadful—time our national life that we refer to as Watergate. In that inquiry into the allegations of malfeasance and nonfeasance on the part of the President of the United States and his associates, and, later, of the CIA and other law enforcement agencies, I have had occasion more than once to turn my attention to what went wrong, and how to avoid such wrongs in the future. Mr. President, if I can make any general statement in that respect, it would be that the institution of the Presidency, the White House, Congress, and indeed, the executive departments of Government, including the intelligence community and particularly the CIA, could have been well served the leavening influence, the common sense, and the judgment of those who have involved themselves in the political affairs of this Nation.

In a word, Mr. President, I do not view George Bush's engagement in partisan political activities in the least as a disability to serve as CIA Director. On the other hand, in those weeks and probably, in those years ahead, when we consider how to go about restructuring our intelligence and law enforcement agencies, to insure that they are amenable to our constitutional processes and dedicated to the protection of the freedom of this country and of individual rights, I, personally, will feel more comfortable if someone is CIA Director who does understand American politics.

This would not be so had the President chosen someone who was a professional politician, steeped in the ways and traditions of a party organization and structure. But that is not the case of

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testified that he knew that the call was from, in effect, the President. All Mr. Hunt wanted was a red wig, a device to put in his mouth to change his voice, and a false identification. He received it.

One of the things that bears so heavily on my mind is to think that some of our Presidents in the past have utilized this unique Central Intelligence Agency, as the Senator from Colorado points out, not for foreign intelligence purposes but to pursue domestic political ends.

That is something that this Congress has to stop, and I am sure that the Senator from Colorado agrees.

Mr. GARY HART. If the Senator will yield for a comment, the problem with this nomination is it runs cross grain to the findings of our committee that we have been involved in for the last year. If there is one central discovery that our committee has made throughout all of its investigations of attempted assassinations of foreign leaders, abuses of authority here at home, surveillance of American citizens, attempts to overthrow foreign governments, and everything else, it is that one cannot politicize the intelligence community. It is absolutely the worst possible thing that can happen.

I agree with every one of those who say that we have the highest kind of talent capability in our Central Intelligence Agency. These people are professionals. They believe in what they are doing. They are performing a tremendous service to their country.

The problem of morale at that Agency and the degree to which the investigations of that Agency have contributed to those problems are certainly unfortunate because of the degree to which they may have taken people's minds away from their jobs. Absolutely 99 percent, close to 100 percent, of the people at the CIA are dedicated nonpolitical people trying to do a professional job.

To link up the White House with the Central Intelligence Agency through political connections of this sort, that were certainly not intended when that Agency was created, would do more to continue that low morale than anything else we could do. It would be absolutely the worst step that we could take.

If this were a Democratic President nominating a Democratic politician for that position, I would be taking the very same position.

Mr. MCINTYRE. I thank my good friend from Colorado and I shall take 2 minutes right now.

Mr. President, in my inquiry of other colleagues as to how they might vote on this issue, I have been met with the question why should politicians be disqualified automatically? Do they not have qualities which could be useful in this job?

Some of our colleagues have felt reluctant to oppose Mr. Bush simply because, as they say, he is a politician and simply for "appearances sake." It is, I suppose, the choice of words which bothers them, because no one wants to be accused of judging someone on the basis of "appearances" and not the facts.

But I challenge any of our colleagues to dispute the fact of the CIA, the fact of its internal de-

moralization, and the fact of the public's suspicion of politicians in general and Congress in particular. I challenge anyone to deny that a "team player," a custodial appointment, is precisely what the Agency cannot afford at this time.

In these circumstances, at this time in the life of the Agency, it is absolutely vital that there be no question about the need to insulate the Director from partisan political considerations. I stress the public perception of the Agency so much because we cannot have a rehabilitation of the Agency without a restoration of public confidence. The two are inseparable: You will not have one without the other.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I commend the distinguished majority leader, who, with his typical nonpartisan attitude at the right time, with his typical sense of fairness, carefully thinking through and researching a subject as important as the current subject, has come to a conclusion, has forthrightly stated his position, and has made unequivocally clear how he stands on this issue. His support of George Bush at this time is typical. It is typical of his long and distinguished career in public service.

So far as I know, none of my colleagues who are opposing the nomination of George Bush has questioned his character, intelligence, or ability. The thrust of the arguments against his nomination concerns his role as a politician. Not that his political activities or political record have been questioned, either. The only complaint is that he is a politician who has been a Member of the House, a candidate for the Senate, and a chairman of his party's national committee.

It is said that politics must be kept out of the CIA, and with this we can all agree.

But are all politicians, regardless of their character, intelligence, and ability and regardless of other experience in public service, to be considered ineligible to head an intelligence agency and to coordinate the work of the intelligence community?

George Bush has been more than a political man. In fact, he has had three careers in public service: One, as an elected public official; second, as a politician and party chairman; and, third, as a very distinguished diplomat. His diplomatic service, while briefer, has been more recent. To my knowledge, it was generally accepted that he had done an excellent job as Ambassador and Permanent U.N. Representative at the United Nations. Similarly, his service as Chief of the U.S. Liaison Office in Peking has been widely praised. Neither assignment was an easy one or blessed by favorable circumstances, yet George Bush performed with honor, with discre-

As I recall there were some rumblings

when he was named to represent our country at the U.N. It was said then that George Bush was a politician and business man. But, in view of his success in two major diplomatic posts, it can no longer be said that he is only a political man. His ability to adjust rapidly and well to diplomatic service gives us ample reason to conclude that he is a man of talents who can apply those talents effectively in many fields of public service.

I have no doubt of George Bush's ability to undertake the new assignment for which he has been nominated, and to do it well. His understanding of, and sympathy with, the oversight role of Congress will be especially helpful to us as we seek to bring the intelligence apparatus under control. Moreover, in working with the White House and with Congress, his diplomatic experience will serve him well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield the Senator 2 additional minutes.

Mr. PERCY. Mr. President, I have been reaffirmed in this belief as over the past week I have been privileged, together with Senator RIMCORT, our chairman, and other members of the Committee on Government Operations, to conduct hearings, now that the Church committee is winding up its affairs and will be making a final report on recommendations, to hear witnesses testify as to what they think we should do. I have probed with such men as Mr. Colby, John McCone, former heads of the Agency, have met with Mr. Kelley, head of the FBI, and this morning with Secretary Ellsworth, to determine what particular talents are needed at this time. I am reinforced in my belief that George Bush possesses many of those talents, if not all of them, that are now going to be required in this particular stage of history in this vital Agency.

The question of his availability for another political role this election year has been resolved, unfortunately, to the detriment of my party. But the larger national interest has been served by enabling George Bush to assume this great, new responsibility. I feel that we are very fortunate in having a man of his caliber to be Director of Central Intelligence at this crucial time in the life of this agency, so vital to the security of our Nation.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have listened with interest to the arguments presented by the opponents of George Bush. I respect the reasoning behind those arguments, but I do not agree with them.

Yes, George Bush has had a political background. I knew him before he had a political background. I have known him all through the years that he was engaged in politics and then in business. The man has not changed a bit.

The question that comes to my mind is whether a "politician" connotes something evil that is going to fol-

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Bush when he was chairman of the Republican Party, and I can tell you that takes a lot of what we call "guts."

Mr. TOWER. Mr. President, at least two speakers this afternoon have referred to Mr. Bush's views on covert action as the reason for rejecting his nomination.

Mr. President, the question of covert action and Mr. Bush's views on covert action is really only marginally relevant, because covert action is indeed an instrument of foreign policy and has been authorized by succeeding presidents of both parties as a matter of continuing American foreign policy conduct for the last 25 to 30 years.

Now, should Congress decide that there be no more covert action or should the President of the United States decide that covert action is not a proper tool of diplomacy, then it would not make any difference what the DCI's views on covert action were because he would be bound not to engage in any covert action. So this is a policy matter that could be widely debated on the floor.

I do not know whether the majority of this Senate believes in covert action or a majority opposes it, but that is a policy matter which could be resolved by debate in the Senate, and I think ought not to be considered in the context of the consideration of the qualifications of Mr. Bush to be DCI.

The PRESIDING OFFICER (Mr. Case). Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. JOHNSTON. Mr. President, I rise in opposition to the nomination and, in so doing, I would like to point out that this is the first nomination I have ever opposed, if there has been any other, and it has not been more than one nomination, and I do not recall which one that was.

I do so not out of any feeling of lack of ability or integrity or any of those qualities that are usually associated with a nominee. I have the utmost confidence from everything I have heard about Mr. Bush, but one thing I do know, Mr. President, that is very clear about Mr. Bush: He has been a politician and he either will be a politician or at least at this particular time he looks like one.

Now, Mr. President, as a full-time politician and a body among politicians, I do not want to denigrate the word "politician" or bring discredit upon our name. To the contrary, I think the word and the profession of politics is the highest calling there is. It is what makes democracy work.

But, Mr. President, the Director of the CIA is the most sensitive position we have perhaps in this Government in the sense that every item, every issue upon which this Director gives advice is right at the heart of the most delicate and greatly conflicting political issues we have in this country.

Defense spending. An annual and very strong debate we have every year on the

floor of this Senate and the question is, What is the Russian threat?

Now, who is going to be giving us the advice on that but the Director of the Central Intelligence Agency? And if he is echoing the same line as the President is, he is going to be suspect if he is in politics.

Angola. This is an issue on which there are two very strong and conflicting views. We ought to have advice on Angola from the best nonpolitical man we can get.

Just the other day on the Israeli question, we had testimony from the Director of the Central Intelligence Agency, on the question of whether, in fact, Israel is threatened; whether they should, in fact, have a billion and a half dollars; what their relative standing and relative strength is with respect to the Arab world.

It is the strongest kind of political issue we can get with great overtones and great implications, all through the political spectrum.

Mr. Bush has been in politics, I dare say he may be again. But we should neither get a man who is today in politics, or one who is likely to be in politics in the future, or one who is concerned about proving that he is nonpolitical.

I think sometimes it is just as bad to have to lean over backwards, one way or the other, to prove or disprove something as it is to be guilty of it.

I well recall a very good friend of mine who is a judge, at all levels of the court, and I have never had a judge rule against me as many times as this particular judge. In my judgment, he was leaning way over backwards to try to prove he was being objective to his good friend.

Mr. President, we do not want that kind of a man as Director of the Central Intelligence Agency, someone who is trying to prove he is nonpolitical. We do not want a man who is political.

I just hope that the Senate will turn down this nomination and find any other position in Government for Mr. Bush for which he is admirably suited other than Director of the Central Intelligence Agency.

Let us get our advice from someone whose political future in no way hinges upon the decisions he makes as the Director of the CIA.

I thank my good friend from New Hampshire.

Mr. MCINTYRE. Mr. President, I thank the Senator from Louisiana for his fine statement in support of what I think is a very important issue.

Mr. President. I reserve the remainder of my time.

Mr. TOWER. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I would not take any more time except that I know this is a highly important office.

With the greatest deference for everyone, I just do not see how the political charge can be raised here in view of the outstanding fact that everyone praises Mr. Bush for his integrity, his character, his honor, and his proven capability. But some raise some kind of charge here, because of the political offices he has

held, that he would be a political man to the great detriment of the country.

I know that is a sincere belief, but does it stand up under the facts of life in the present instance, passing on both the man and his politics?

I told him in the beginning, "You are not going to ride through the Senate on the fine reputation of your father who served here, and many of us knew him."

He quickly said that he was not expecting that, and I was convinced he was not.

But talking about appointing a man because formerly he has been in political life, I have jotted down several of the recent Chief Justices of the United States—certainly an important office, the highest in the judicial branch of the Government.

I start with Mr. Taft, a former President of the United States, appointed Chief Justice of the United States, the highest office in the other pinnacle.

Chief Justice Hughes—I believe he followed Mr. Taft—a former Cabinet member, former Governor of New York, former commissioner somewhere, I not remember just where, outstanding every office he held, outstanding as Chief Justice.

Chief Justice Stone, former Attorney General of the United States—I do not remember now what other offices he held. I think he had been attorney general of his home State.

Chief Justice Fred Vinson, former Member of the House of Representatives. I do not know if he was chairman of the party or not, but he was certainly active and vigorous in the party. A fine, outstanding Chief Justice of the United States.

I am referring here to men from both parties.

Chief Justice Warren, former Governor of California, former attorney general of California, served many years. He served many years and helped rewrite the law to a large extent.

And we have the present Chief Justice on the judicial branch.

Mr. President, I say with emphasis this charge, so-called, is not founded.

I ask my friend from New Hampshire, a very valuable Member of this body and of our Armed Services Committee, where is there in the record the slightest scintilla of evidence that this man, Mr. Bush, was not frank, and candid, truthful, and spontaneous with our committee in his answers?

There will not be anything in the record, except that he did have the fullest of frankness and candor.

I have not heard anything in the cloakrooms, or up and down the aisles, or anywhere else, that scores him on anything less than complete honesty, frankness, candor, and sincerity, with the firmest kind of promises, I think sincerely given, that he is going to try to do a hard, tough job in the very finest way that he possibly can.

I will say now, it is no idle thing, unless a man is convinced, strongly convinced that he should vote "no." It is no idle thing, although every Senator has the right, of course, to vote "no" here, to cast a "no" vote here against a nominee, a man with

George Bush. George Bush is, first and foremost, a patriot. He is a great citizen, a successful businessman, a distinguished legislator. He has been the servant of the President of the United States in many capacities, not the least of which has been his excellent representation of this country in the People's Republic of China.

I rather surmise that George Bush never wanted this job. I would guess further that he may not have wanted to be national Republican chairman when he was so chosen.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAKER. But I rather suspect that in both cases, he responded to an urgent need and sincere request from the President.

Mr. GOLDWATER. If the Senator will yield, the Senator is absolutely correct on that point of his not wanting to be national chairman. I sat at the White House and phoned him at the request of President Nixon and had to twist his arm both ways to get him to say yes.

Mr. BAKER. I am happy for that confirmation. I suspected as much. I know Mr. Bush to be one of that handful of Americans in both parties whom Presidents have turned to repeatedly in times of stress—when they needed undoubted authority—to lead a Government department or agency out of its travail to higher ground. That is the character of which George Bush is made.

I have many views on this subject. I think, for instance, that the DCI ought not to be head of the CIA. That is too important a job. I think the Director of Central Intelligence ought to be a separate job to coordinate the Presidential responsibility for these functions to and from all of the 62 agencies of Government that have some intelligence or law enforcement-related activities. Even if we had already done that, I can think of no one I would pick before I would pick George Bush. It will be my pleasure to vote for his confirmation.

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the Senator from Delaware (Mr. BIDEN).

Mr. BIDEN. I rise to join Senator McIntyre and others who oppose George Bush to be Director of the Central Intelligence Agency. In doing so, I do not question his ability, his experience, or his character, but I do criticize the appropriateness of the nomination.

I feel it is unfortunate in at least two practical aspects. In the first place—and I shall be brief—if there is any one thing that the Rockefeller Commission, the Senate select committee, and other investigative efforts of the past year or more have clearly demonstrated, it is that there must be a depoliticization of the CIA, and that that objective is a sorely needed one. As for the particular nomination before us, I think it does just the opposite. Given Mr. Bush's highly political career and identification he, in my opinion, is the wrong appointment, for the wrong job, at the wrong time.

Revelations of past misconduct on the part of the CIA and of past administrations have created at least a serious question in the minds of the people

American public as to whether or not the CIA is anything from being worthwhile to useful.

I happen to believe it is both worthwhile and useful. I happen to believe there is a need for CIA to regain at least part of the lost confidence on the part of this body, Congress as a whole, but, most importantly, the American people. In this time of so-called confidence-building, it seems to me it is inappropriate that we, in fact, pick a man to head up that agency who may very well be able to completely disassociate himself from political activity, who may promise not to run for Vice President if chosen, who may do all these things and may actually be the best possible fellow we could, in the abstract, pick for the job, and completely take himself out of politics, but I think in these times it is going to be very difficult to convince the American people that this, in fact, is being done, almost whatever he does, no matter how well he extricates himself from his prior number of years of deep involvement with partisan politics.

The times call for confidence-building, not politics: the Congress and the American people must have confidence in the effective intelligence function our Nation needs.

To accomplish this, there must be confidence that the CIA will never again be used as a political instrument.

There must be confidence that the Director of Central Intelligence is a forcefully independent figure who can say no to any Presidential views of the world reality which do not accord at all with the hard, dispassionate facts of national intelligence. And who can say no to any remedial covert operations which—as has sadly occurred in the past—the President, or his chief foreign policy lieutenant, or the covert operators may be touting with more enthusiasm than far-sighted judgment.

The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure out of national life, rather than one of the President's "guys."

The second reason why I think it is important that we not confirm Mr. Bush to head up the CIA is that it suggests a continuance, in my opinion, of virtually unaccountable executive action in the field of covert activities.

Mr. Bush has testified in committee that U.S. covert paramilitary operations abroad can be a good thing on occasion in helping to install governments we happen to like, and that timely notification of Congress will suffice, after the fact of the covert operation's initiation.

I happen to prefer, for example, the statement of our colleague, Senator MATTHIAS, given earlier this month to the City Club of San Diego when he said:

The unfortunate and ill-advised involvement of the United States in Angola would not have occurred if the issue had been fully and carefully considered, and if congressional advice had been sought before our recent involvement began.

In view of Mr. Bush's testimony, I fear that in confirming his appointment we are sending the message that we are not going to be accountable

ing in more bypassing of advice and consent, and more faits accomplis with respect to covert adventures, and more appropriations without representation.

We, in Congress, have had enough of this invisible government. I think, whether rogue elephant CIA's or administrations. It seems to me we need a man in that job or a woman in that job, who, in fact, has a different basic philosophy with regard to that issue. I do not think we can accept that continued conduct of that Agency in the manner in which we have come to learn that it has been conducted.

I would add, parenthetically, it seems also we are heaping a lot of blame on the CIA these days, and forgetting that a Democratic President was there for a considerable portion of the time and, apparently, knew a good deal about what was going on at the time. The more we learn, the more I become convinced that the CIA did less and less, in fact, without Presidents knowing what was occurring.

But, be that as it may, it is time that we, in fact, move that very, very important agency back to a position of prominence and confidence.

I, for example, in my limited experience here in the U.S. Senate have found, as a member of the Foreign Relations Committee, that whenever I asked for advice from the CIA I got a whole lot straighter scoop than I did when I went to the Defense Department to get anything, and I think the CIA is a very valuable outfit.

But, I think, by our turning around and having a Director who so clearly is identified with partisan politics and with being one of the President's "guys," we are making a real mistake. I think the American public is—and I know I am—looking for somebody in whom I would feel confident that if, in fact, the President suggested something in the covert field, for example, which the Director thought it was not in fact a very sensible thing, that he would just flat out tell the President, "No, I don't like it; I won't do that."

To sum it all up, I think it is important that we have a man of not only integrity which, I think, Mr. Bush is, but one with a nonpartisan record, and with a demonstrable capacity to tell the President that he thinks he is all wet, and stand up the President of the United States, when need be, to do that.

On those grounds, I am going to vote against Mr. Bush's confirmation to head up the CIA.

I thank the Senator from New Hampshire for yielding to me.

Mr. MCINTYRE. I thank my good friend from Delaware for expressing his opinion on the matter at issue.

Mr. TOWER. Mr. President, I yield myself 2 minutes.

Mr. GOLDWATER. Mr. President, will the Senator yield 1 minute to me to answer the Senator from Delaware? Just one brief statement.

Mr. TOWER. I yield to the Senator.

Mr. GOLDWATER. I wanted to comment on one statement the Senator from Delaware made. One of the first and strongest suggestions that President Nixon's advisors came from George

dent's political associates, and, in particular, George W. Bush, the director-designate, who has recently served as a national party chairman.

President Ford chose to ignore this key recommendation from his own Commission on the CIA.

Journalists of various ideological persuasions have also expressed their emphatic disapproval of the Bush nomination. Tom Braden, himself a former CIA officer, wrote in a column entitled "George Bush Bad Choice for CIA Job" that:

The appointment looks bad at a time when public confidence in the CIA is such that everything about it should look good.

Columnist George F. Will has raised a thought-provoking scenario in one of his recent columns. He wrote:

It is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate détente as its finest achievement. Imagine that the administration is excessively anxious to achieve another strategic arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore, the agreement is an empty exercise, a limit that does not limit.

Then the Administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future, and would do so if there were no agreement.

What would be the response of a long-standing and deeply dedicated political ally of the President when asked to prepare reports which would help the fortunes of the White House and his party? George Will concluded that Ambassador Bush at the CIA would be "the wrong kind of guy at the wrong place at the wrong time."

The conservative journalists Rowland Evans and Robert Novak, in their column entitled "Overlooked Political Realities," also noted that—

The Bush nomination is regarded by some intelligence experts as another grave morale demerit. They reason that any identified politician, no matter how resolved to be politically pure, would aggravate the CIA's credibility gap. Instead of an identified politician like Bush . . . what is needed they feel, is a respected non-politician, perhaps from business or the academic world.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. MCINTYRE. I yield the Senator 2 minutes.

Mr. CHURCH. Under pressure from the Congress, the President removed Mr. Bush from consideration as a Vice-Presidential running mate this year; but this gesture hardly resolved the basic problems with this nomination. Mr. Bush made it clear during his recent confirmation hearings before the Senate Armed Services Committee that his future political ambitions are undiminished. They have merely entered a stage of

dormancy. One must agree with the Washington Post editorial board, which spoke against the Bush nomination in a recent editorial, arguing persuasively that the directorship of the CIA should not be regarded as a political parking spot.

The most critical question we face is how to guarantee the independence of our foremost civilian intelligence service. Since the CIA will be no more impartial than its Director, we should be sure that the person selected has demonstrated the qualities of independence and non-partisanship.

The new Director should be someone with the strength of resolution to tell the President: "I believe your premise to be wrong, for it is refuted by the unvarnished facts gathered by the CIA." This is the vital role that the Central Intelligence Agency can play in our Government, but it will work only if the Director is immune to political pressure. The President should not have been looking for a "team player." In this position, he needs someone with the sound and disinterested judgment of an experienced and highly professional referee.

This does not mean that individuals with political backgrounds must be automatically eliminated from consideration for this job. On the contrary, men like John Sherman Cooper and Elliot Richardson—with their keen judgment, established independence, and restrained partisanship—could serve well in such a post, I am sure. What it does mean is that we must avoid placing in charge of the CIA any individual too deeply embroiled in partisan politics, too intertwined with the political destiny of the President, himself.

The strongly partisan, political background of George Bush should eliminate his candidacy, in my view. We ought to consider carefully the harm this appointment will cause the whole effort to reform and strengthen the Central Intelligence Agency.

The PRESIDING OFFICER. The Senator's 2 minutes have expired, and all time of the opponents has expired.

Mr. TOWER. Mr. President, I will be delighted to yield an additional minute of my time to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

The prospects for starting afresh are good, and I have viewed the chances to restore public trust in the CIA with considerable optimism. But this is no way to begin the restoration. No new set of laws, no new guiding principles—regardless of how skillfully drawn—will restore this trust if the credentials of the new Director raise serious questions of propriety.

Today, the Senate can grievously weaken the independent stature of the CIA, or it can vote to continue the worthy tradition of political neutrality and professionalism espoused by Harry Truman and Allen Dulles.

I sincerely hope that we show good judgment, reject this nomination and demand from the President a more impartial candidate.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, I have only my own testimony to offer my colleagues, and I do it with some diffidence, and yet with a feeling that perhaps this is a viewpoint that ought to be expressed.

The conclusion I have reached is this: That we ought not to make any office in our land so exalted, so mystical, so esoteric as to require a person far above ordinary human beings. That is not good sense. The Senator from Texas has said the same thing in more cultivated and literate language.

But this is really the point: I will not, by refusing to vote for a first-rate man for this job, suggest that the job requires a super human being. If it does, there is something wrong with our country and our institutions. It requires competence, it requires integrity, it requires all those fine qualities which this nominee has in abundance, as everyone recognizes. It does not require a superman, and if it did, then that office ought to be abolished. There is no reason for this country to rely upon supermen, and its institutions ought not to be so constructed as to require them.

I think this nomination should be confirmed, and I shall vote with great pleasure and happiness in the affirmative.

Mr. GOLDWATER. Mr. President, will the Senator yield me 2 minutes?

Mr. TOWER. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Just to respond to a couple of points raised by my good friend from Idaho.

I might say I do not know the political affiliation, if they had any, of any of the past heads of the CIA. Yet all of the recent ones have succumbed to the pressure of the President to do things that they told me in their own minds they knew were wrong, but nevertheless the President wanted them done.

I think it is time we put a man in there who has and has shown the courage to stand up and tell a President exactly what he thinks is wrong with what the President is doing; and that is exactly what George Bush is going to do.

Another point my friend made was to list a long line of writers, including Mr. Tom Braden, whose wife has just gotten a rather lucrative political job. All of those columnists, writers, and newspapers that he has talked about as representing the people would be opposed to anything a Republican President ever did, even if he recited the Lord's Prayer every morning.

The biggest poll that I have seen, the biggest Gallup poll as to interest in this whole subject, is 7 percent. I have not received a piece of mail in my office—and I have not received much mail on this subject—that opposes George Bush. I would much rather listen to the people than listen to the biased opinions of persons who are opposed to anything Republicans do.

So again I hope this body will vote unanimously in favor of Mr. Bush.

Mr. TOWER. Mr. President, we have heard a great deal today to the effect that the position of DCI is too sensitive to be politicized, and I agree it should not be politicized. I would not proceed on the assumption that it will be politicized if

a record like this, for this highly important, essential, and sensitive office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I will just use half a minute.

I was not harking on to the Senator from New Hampshire or anyone else.

If anyone else can point out in the record or off the record any kind of a charge that this man, Mr. Bush, has been anything less than frank and honest in answering these questions, let him bring it forth and let it be debated.

I thank the Senator for yielding to me and we will wait for the answers.

The PRESIDING OFFICER. The situation as to time is as follows: The Senator from New Hampshire has 13 minutes, the Senator from Texas has 18 minutes.

Mr. MCINTYRE. Mr. President, I yield myself 1 minute to reply to my distinguished chairman in bringing up the example of the Supreme Court Justices. It does not gibe with the uniqueness of the CIA.

All of those distinguished Presidents who made appointments to the Supreme Court had a right to make appointments to project the judicial philosophy of the person who named them and the Senate which have approved them.

But remember, Mr. President, a Supreme Court Justice has life tenure in a separate branch of the Government. He is less vulnerable to the pressures that we have seen exerted on the CIA Director, and he operates under tradition and the Constitution and in the open.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. I yield back the remainder of my time.

Mr. TOWER. I yield 2 minutes to the distinguished Senator from New York.

Mr. BUCKLEY. I thank my friend from Texas.

I just want to say a couple of words, Mr. President. It seems to me we should stop putting people in automatic categories, drawing conclusions which may or may not have justification, and start thinking about personal qualifications that are well known, start thinking about a person's total career and what he has exhibited in that career.

It happens I have known George Bush for 20 or 30 years. I happen to have the highest respect for his intelligence. He has proven his ability as an administrator in the hardest kind, the most competitive kind, of business. He has been a public servant. I have never heard anyone suggesting that he would ever stoop to political deals and things of that sort at the expense of this country. I believe we have every reason to believe and have confidence in the kind of job he will do as the head of this extraordinarily important nonpolitical Agency.

If it is a disqualification to be involved in politics and then to be in the CIA, then we are going to have to exclude a lot of people. The fact that he may at one time have been national chairman of the Republican Party simply does not add up to a disqualification. What is far more important is to get somebody who is proven, whom we all have confidence in, than to play this kind of game.

I believe by the same token we can get anybody who has never been involved in politics directly in a line position and have that position far more pliable than George Bush is capable of being.

I urge his confirmation and I hope it will be a very, very substantial majority.

I thank my friend from Texas.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 10 minutes at this time to the distinguished Senator from Idaho, the chairman of the Special Committee on Intelligence.

Mr. CHURCH. Mr. President, after President Harry Truman retired from the White House, he was consulted and kept informed on the affairs of the Nation through briefings from time to time by various Government officials. At one such meeting held in the Truman Library during the Johnson administration, representatives of the Central Intelligence Agency were present. Among them was Enno Knoche, executive assistant to Gen. Marshall Carter, then Deputy Director of Central Intelligence. As Mr. Knoche recalls, the former President interrupted the briefing at one point to reminisce about the early days of his Presidency. He spoke of the reasons for the establishment of the CIA. When he first became President, he said he was often denied important intelligence held by the State Department and the Pentagon. The handling procedures and policy biases of these two institutional behemoths prevented him from receiving the steady flow of accurate and objective information he needed to guide the Nation.

Thus, in 1947, President Truman set up the Central Intelligence Agency to pull together basic and unbiased intelligence on foreign affairs required by the Presidency. The former President told his visitors:

This was the major purpose for establishing the Agency.

Rather than rely upon the military and the State Department to provide his intelligence requirements, Mr. Truman wanted an independent agency capable of complete objectivity and able to resist all partisan and policy pressures which might be brought to bear by various groups inside and outside the Government. So, from its very birth, the Central Intelligence Agency was meant to support the ideal of providing the Presidency with totally disinterested information.

This original intention has been strongly reiterated by the various past Directors of the Agency. Allen Dulles, perhaps the most well known of the early Directors, stressed that the duty of the CIA was—

To weigh facts, and to draw conclusions from those facts, without having either the facts or the conclusions warped by the inevitable and even proper prejudices of the men whose duty it is to determine policy and who, having once determined a policy, are too likely to be blind to any facts which might tend to prove the policy to be faulty.

The Central Intelligence Agency should have nothing to do with policy.

A more recent reaffirmation of this tradition of independence came from Gen. Vernon Walters, second-in-command at the Agency now and during the Watergate crisis. During the impeachment inquiry, he testified about a meeting he had with John Dean in 1972. At the meeting, General Walters told Dean that—

Any attempt to involve the Agency in the stifling of this (Watergate) affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it, and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

And so, the CIA resisted the pressures from the White House to stifle the FBI investigation of the Watergate affair. The saving tradition of professionalism and independence for the CIA was wisely preserved in a most trying moment.

Today, the Senate faces a test of its own regarding the political neutrality and professionalism of the Central Intelligence Agency. How peculiar it's that we are even being asked to confirm as CIA Director an individual whose past record of political activism and partisan ties to the President contradict the very purpose of political impartiality and objectivity for which the Agency was created. Were Harry Truman once again at his desk in this Chamber, his voice would ring out in indignation against this ill-advised appointment.

Indeed, how can any of us vote "aye" on this nomination? We may be tempted to do so by the personal charm of George Bush and by his demonstrated competence in other Government jobs. But the personality of George Bush is not the question we face today. The central issue is whether he is the right individual to safeguard the tradition of intelligence objectivity espoused by President Truman in 1947 and carried forward since that time.

Is the appointment of one of the President's close political allies the proper way to perpetuate this ideal? I think not. We are not talking about an appointment to the Post Office Department. We are here to deliberate the future direction of our largest Civilian Intelligence agency—and at the very time when the Congress is in the throes of reforming all the intelligence services. If we approve this partisan appointment, what impression will our action make within the Government and throughout the country?

The answer is easily found in the chorus of voices from across the land expressing strong opposition to this perversion of CIA neutrality and independence. For example, Ernest Gellhorn, dean of the College of Law at Arizona State University and senior counsel on the Rockefeller Commission, wrote in the Washington Post last week that:

Presidential abuse of the (CIA) can be avoided by taking note of the Rockefeller Commission's conclusions that persons appointed director possess, among other qualities, "The independence to resist improper pressure, whether from the White House, within the Agency or elsewhere."

This recommendation would seem to preclude the appointment of one of the Presi-

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inspire the confidence of the administration, the Congress, and the American people at this critical time. There must be no doubt that the person holding this office will remain aloof from partisan politics, and no question of his or her ability to act solely in the interests of reforming the intelligence process and restoring public confidence in the CIA.

While I recognize and acknowledge the accomplishments of Ambassador Bush in the Congress, at the United Nations, and as our representative to the People's Republic of China, I believe that his recent role as chairman of the national committee of a national political party, will make it difficult for him to fulfill the vital task of restoring public confidence in the probity and integrity of our intelligence community, following needed reforms.

Mr. President, in taking this position on Ambassador Bush's nomination, I do not question his integrity or ability to discharge the responsibilities of high Government office. But I concur with my distinguished colleagues that this is the wrong appointment for the Office of Director of Central Intelligence at this time. And I urge the Senate to reject this nomination.

Mr. MONDALE. Mr. President, the nomination of Mr. George Bush to be Director of the Central Intelligence Agency has become a major point of controversy because of the argument that building public confidence in our Government means that politicians must be excluded from such sensitive positions as CIA Director.

I do not share this view. To participate in politics is to exercise our freedom. It is one of our most fundamental rights. It must be encouraged, not maligned.

To be a practicing politician is to be sensitized to what is acceptable to the American people. It trains us to respect the governmental institutions for which we are responsible. It demands a measure of proportion and restraint. It imposes the discipline of public accountability. I believe these are the qualities we very much need in our Government and, in particular, the CIA.

I believe no post in our Government—including the CIA—should be placed off limits to those who may have held elective office. The investigation of the Select Committee into the abuses and the failings of the Central Intelligence Agency and the rest of the intelligence community does little to encourage confidence in the nonpoliticians who have held that post in the past.

Perhaps if past Directors of our intelligence and investigative agencies had stood for elective office, had gone through the political experience of trying to be responsive to the American people, they might have had the good sense and proportion to say "no" to the many abuses we have uncovered.

In short, Mr. Bush's past political activities should not disqualify him from holding this important post. But if Mr. Bush's political past presents few concerns regarding his fitness for this office, his possible political future presents a great many. Many speakers today have

ably articulated these concerns and they are ones which I fully share.

The President first indicated that he regarded Mr. Bush as a serious possibility for the Republican Vice Presidential nomination in 1976, and Mr. Bush himself has indicated since his appointment that he maintains a continuing interest in elective public office. When this became an issue, the President backed away but Mr. Bush has not. He has said nothing about his ambitions for seeking further elective office—even in this election year.

It is precisely this possibility that troubles me deeply, and it is for this reason I will oppose Mr. Bush's confirmation.

I do not believe we should confirm as Director of the Central Intelligence Agency someone who may be off campaigning in a few short months. The necessary task of our investigations has subjected the Agency to turmoil enough. Now we are entering the most critical period as we seek to make changes to remedy the problems of the intelligence community. For this the CIA needs a fulltime Director, not one who may be gone a year from now either because he has a new office or a new boss.

And the first priority of a new Director must be the Nation's future not his own.

It is the traditional responsibility of the Senate, when viewing appointments made by the Executive, to assure there is no conflict of interest. This is what I think many speakers today have been driving at. The issue is not the integrity of politicians; it is the potential conflict of interest.

The CIA Director must be objective. He must be willing to give a President bad news. He must be willing to say "no" to things which would exceed CIA's authority or the authority granted the President. He must be prepared to level with the Congress, even when the intelligence information does not square with the policies of the executive branch or the interest of his party.

If, indeed, Mr. Bush intends to go from service with the CIA to further national office, I believe that he could not fulfill those functions properly. There would be the inevitable suspicion that his actions and advice, however honorably motivated they might in fact be, were premised on or at least tempered by their possible effect on his own political future. Mr. Bush might even be unconscious of the tempering process, but if he maintained political ambition it would surely take place. And even if it did not, many people would never believe it. It would be a classic case of conflict of interest, and as will all such cases, appearance is as important as reality.

For that reason, I called upon Mr. Bush to renounce any candidacy for elective office at the national level for at least 2 years following his tenure as Director of CIA. In my view, 2 years was the minimum time for Mr. Bush to put his political career in trust.

Mr. Bush has not seen fit to take this step. So, in all conscience, Mr. President, I cannot support him.

Mr. DURKIN. Mr. President, much of the debate on the nomination of George Bush to be CIA Director has centered on his prospects for the Republican Vice Presidential nomination.

Many Members of this Senate announced reservations on the nomination based on that possibility. But when finally assured by the White House that Mr. Bush was somehow out of the running for the No. 2 spot, many of the reservations melted away.

That was an unfortunate turn in the debate, and one, I suspect, orchestrated by the supporters of the Bush nomination. The possibility of the Vice Presidential candidacy was a strawman set up for the Senate to knock down—to give the impression that the President was a compromising man most interested in taking politics out of the CIA.

Nothing could be further from the truth. I think the record shows quite clearly that Ambassador Bush is not qualified to run the Central Intelligence Agency than I am.

One commentator put it succinctly:

The only thing that Bush has in common with top CIA officials is his prep school and Ivy League education.

Or put another way, Mr. Bush appears to be a member of that powerful elite which has an amazing ability to keep itself in positions of influence in Washington irrespective of changes in administrations, public sentiment, or public policy. The Nation has said it is fed up with the "buddy system" which has grown up in Washington, Mr. President. But the Bush nomination will only increase the public distrust.

George Bush has a history of over-weening loyalty to the politically powerful. He was a member of the class of 1966, the first Republican ever to hold a congressional seat from Houston. But he willingly sacrificed his two-term seat to Richard Nixon's off year election campaign to eliminate his political enemies from the Senate in 1970. Failing his attempt to defeat the junior Senator from Texas (Mr. BENTSEN), Mr. Bush accepted the Richard Nixon consolation prize of 1971—the ambassadorship to the United Nations.

Taking his cues from the White House, Mr. Bush there argued vehemently against the United Nations admission of China, until the rug was again pulled out from under him by Henry Kissinger's announcement of the quasi-recognition of the People's Republic of China. Later, in a superbly ironic move, Bush was appointed diplomatic liaison to China.

Between these jobs, Mr. Bush spent 2 years presiding over the decline of the Republican Party at the hands of a beleaguered Richard Nixon, culminating in the 1974 congressional elections.

Despite these setbacks urged upon him by designing politicians, Mr. Bush has never become bitter. In fact, when asked by the New York Times if he was loathe to leave the U.N. position in 1972 to assume leadership of a floundering Republican National Committee, he replied that when asked to do something by the President, "In my kind of system of civics, you ought to do it."

Mr. Bush is appointed. He has proved to have a singular capability for dealing with issues and events in a bipartisan way and a nonpartisan way.

I think the most telling point that has been made here today was the point made by my distinguished colleague, the ranking Republican on the Committee on Foreign Relations (Senator CASE), when he said: Is there any job in this American democracy which requires a superman? Is there something wrong with our institutions because our institutions were devised to be governed, managed, and subjected to the decision-making process participated in by men of normal human foibles and weaknesses?

I cannot really get too excited about this business of politicizing a sensitive job when I recollect when he came to office in 1961 our late revered President John F. Kennedy appointed his brother as Attorney General. There was no great outcry about that. Robert Kennedy was a man of extraordinary ability, although of limited background in legal practice. He was enormously close to his brother. He presided over the Justice Department within which is included the FBI which does not gather external intelligence but gathers internal intelligence. There was no outcry about that or the overpoliticization of this sensitive position, and he was indeed, in many instances a contact point with the CIA and, according to testimony, not always with the DCI but sometimes with subordinate officers. There was no outcry, and I would be the last to be critical of that.

So what is the real fear that we raise here? I think it is certainly more imagined than real. It is that of partisanship because he is a former chairman of the Republican National Committee. I think that that is less subject to the charge of partisanship than the fact that partisans in Congress authorized themselves to investigate the activities of the intelligence-gathering community.

My distinguished friend from Idaho, the chairman of the select committee, has, I think, made every endeavor to prevent the committee from engaging in partisan exercises, and I know that he has been highly resentful that the committee has been charged with partisanship from time to time. He is concerned about perceptions. I certainly cannot conceive of the Bush appointment—

The PRESIDING OFFICER. Will the Senator suspend? May we have order in the Chamber, please?

Mr. TOWER. I cannot conceive of the Bush appointment being perceived as any more partisan than a congressional investigation of the intelligence-gathering community.

There have been accusations made from without to the effect that the Select Committee in the Senate engaged in some degree of cover-up. There have been suggestions that perhaps the committee was a little bit tougher on the Eisenhower and Nixon administrations than on the Kennedy and Johnson administrations. If that is the case, it is

tingly that that was done. I have defended the committee and defended the committee's bipartisanship and its nonpartisanship. I have defended the committee against charges of cover-up for political reasons.

But what is it then, if we have indeed been bipartisan and nonpartisan, that gives the members of the select committee of the U.S. Senate some kind of superior morality in terms of ordering its conduct along lines of neutrality and nonpartisanship?

Everyone has said that George Bush is a man of superior character and ability. He has served in the Congress of the United States. As the distinguished Senator from Montana, our distinguished majority leader, has said, every Senator must be presumed to be equal with every other Senator in terms of good conscience and ability in the voice he raises in this Chamber. I think we would have to extend that further to say that the same qualifications that are necessary in a good Senator are necessary in a good Congressman.

The record of George Bush in the House of Representatives is clear. He was, in his first term in Congress, appointed to the Ways and Means Committee of the House, the first freshman Congressman in 50 years to be appointed to that important and sensitive committee. I happen to know that the Republican leadership in the House selected carefully the Members who went on the Ways and Means Committee. They could not be men who were mere partisan hellraisers. They had to be men who could weigh issues at times in a judicious manner, free of partisan considerations.

George Bush made a distinguished record there and was loved and admired by men of various political parties and political persuasions.

Mr. GARY HART. Mr. President, will the Senator yield for a question?

Mr. TOWER. I will yield in a moment.

And no one has accused political considerations of entering into George Bush's conduct of the country's business in his capacity as our Ambassador to the United Nations and our special representative to the People's Republic of China.

If we are so concerned about politicization of sensitive matters, we should never undertake to investigate sensitive matters here in Congress because we are admittedly a body of partisanship.

We recognize partisanship by drawing a line down the middle of the Senate Chamber and putting the Republicans on one side and the Democrats on the other. It gets increasingly difficult to put all the Democrats on that side because of the increasing numbers of them. We hope to remedy that and ease their discomfort of being crowded this year. We recognize the majority and minority leadership.

Can we then presume to say that we are nonpolitical and nonpartisan, when we undertake to deal with the sensitive problems of the day?

The arguments of politicization of the Agency and the partisanship of the Director who would simply do his President's bidding. I think all fall of their own weight. We have had Presidents be-

fore who picked their intimates as DCIs. John McCone was certainly a close personal associate of President Kennedy. He was highly regarded by him and had to be regarded as a personal ally. Yet John McCone was a fine DCI, a good one. Admiral Rayburn was a personal pick of President Johnson. He was someone without intelligence background, but a man who the President felt he could trust. We have precedent for this kind of thing. That then becomes a nonargument.

I think in the final analysis we have to make the decision on the basis of the question: Is, indeed, Mr. Bush qualified? He is, because this is a job that requires superior managerial ability and that he has proven. Senator GOLDWATER has noted George Bush's experience in business. He is a man of considerable intelligence and erudition, one who is capable of marshaling masses of facts and reducing them to manageable proportions and drawing conclusions. George Bush is such a man of proven intelligence and ability.

Mr. GARY HART. Mr. President, will the Senator yield for a question?

Mr. TOWER. And further there is the question: Does he have the character? Indeed he has the character and has proven that, and no one has denied that he has.

I will yield to my friend from Colorado for a question providing he makes it short because we are about 30 seconds away from the time to vote.

ADDITIONAL STATEMENTS SUBMITTED ON NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. KENNEDY. Mr. President, I would like to join my distinguished colleagues, Senators CULVER, JOHNSTON, LEAHY, MCINTYRE and others in opposing confirmation of Ambassador George Bush as Director of Central Intelligence.

In general, I believe that a President should have a wide latitude in selecting officials to staff his administration. And I have no basic reservations about Ambassador Bush's competence and ability to discharge the official duties of this office.

But this is no ordinary time in the history of the U.S. Government, and particularly in the history of the Central Intelligence Agency and U.S. intelligence activities in general. For the past few years, we have seen a growing crisis of public credibility in government, especially in regard to the U.S. intelligence community. Two special committees of the Congress are currently engaged in sorting out the past performance and behavior of our intelligence agencies, and in helping to craft much-needed reforms so that abuses of power will come to an end, and so that our intelligence community will genuinely serve the needs and interests of our Nation.

In the recent past, the CIA was used for partisan political purposes. Those acts severely undercut the credibility, the morale, and the effectiveness of that agency to fulfill its legitimate purposes.

It is imperative that a new Director of Central Intelligence should be above question, above reproach. Most important, he or she must be someone who will

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That is it in a nutshell, Mr. President. Mr. Bush's self-avowed political devotion and self-promotion raises grave doubts about his ability to keep his head above the political waters.

What is equally disturbing, however, is the way the President perceives the problem in Langley. To him, it appears to be one of public relations—restoring public confidence in a worthwhile intelligence agency. If this were so, Mr. Bush would be the ideal person to handle the problem. But the revelations of the past year tell me that it is not appearances or perceptions which need mending at the CIA, so much as it is procedures, activities, and attitudes.

During the past 25 years, the CIA has overstepped its bounds at both ends of its jurisdiction, cutting a swath through foreign governments either with little or no executive oversight, or directly on Presidential orders without the knowledge of even concerned Members of the Cabinet. That is the Central Intelligence problem, and it necessitates total revision of the cold war stance of the CIA. It requires a director capable of guiding the Agency down that narrow path which lies between the roles of rogue elephant and Presidential pawn which the Agency has assumed from time to time. In light of the magnitude of this problem, I think Mr. Ford has seriously undershot the mark in his recall of Ambassador Bush to be CIA Director.

Yesterday, Mr. William Colby stepped down as CIA Director after a rocky 1975. Mr. Colby may not have enjoyed the most cordial relations with Congress or even mutual trust—he was tainted from the start by his leadership of Operation Phoenix in Vietnam, became impatient with Congress' resurgent interest in oversight, and just yesterday renewed charges that Congress could not keep a secret. But I point out that it was Mr. Colby who also brought most of the news of the CIA's bad deeds to the attention of the two congressional committees, and who attempted to implement regulations to prevent further impropriety. His suggestions on reform were forthright and based on unexcelled knowledge of the Agency. It was premature to dismiss him.

Mr. Bush's break-in period at the CIA would now, in my opinion, seriously if not irreversibly jog the continuity of the Agency's directorship. As Senator JOHN CULVER pointed out during the Armed Services Committee hearings, the change of horses will come directly in midstream with less than a year to go before the elections and a possible change of the administration. The next CIA Director ought to be someone who would be qualified to stay on under an administration of either party, Mr. CULVER said. I agree. Given the moral and organizational problems facing the CIA, further shakeups at the top of the Agency in the critical months ahead would greatly impede our intelligence operations, which have always been among the best in the world.

Mr. Ford said he wants one of "his guys" at the CIA, just as he wants one of "his guys" at Defense. But the CIA is not just another Cabinet

department, and the CIA directorship is not a political position to be rotated with Presidents and political ambitions. We do not need independent czars heading our most delicate agencies, as was the case at the FBI. But let us not go to the opposite extreme.

Finally, Mr. President, Mr. Bush's attitude toward foreign policy gives one pause. In his testimony, the nominee refused to forswear the use of CIA funds for operations to destabilize or topple foreign governments—an act that would be considered tantamount to war if some nation did it to us. To quote from Mr. Bush's testimony:

I can't tell you there would never be support for a coup d'etat.

Senator GARY HART, taken somewhat aback by the response, followed with a question concerning the Ambassador's willingness to target a legitimately chosen government. Mr. HART asked:

What if it is a constitutionally elected government?

Replied Mr. Bush evasively:

I think we should tread very, very carefully on governments that are constitutionally elected. . . . After all, that is what we are trying to promote around the world.

Mr. President, I feel that Mr. Ford has betrayed the opportunity to reform our intelligence community with the appointment of a political crony. It is time, once and for all, to break the connection between the CIA and the Republican National Committee.

In its report to the President, the Rockefeller Commission emphasized that—

The proper function of the Agency must depend in large part on the character of the Director of the Central Intelligence Agency. The best assurance against misuse of the Agency lies in the appointment to that position of persons with judgment, courage and independence to resist improper pressure and importuning, whether from the White House, within the Agency or elsewhere.

It seems to me Mr. Ford has ignored some good advice.

I ask my colleagues to vote down the nomination of George Bush to be Director of the Central Intelligence Agency.

Mr. DOLE. Mr. President, I am pleased to vote for confirmation today of George Bush as Director of the Central Intelligence Agency. Ambassador Bush and I have been good friends for a number of years, and our association has convinced me of his unquestionable qualification for the heavy responsibilities of this position.

George Bush is a planner—he is a coordinator—he is an administrator. These traits so necessary to capable leadership have been reflected throughout his many years of experience as a successful businessman, a Congressman from Texas, U.S. Ambassador to the United Nations, National Republican Committee Chairman, and—most recently—as U.S. Envoy to the Peoples Republic of China. Without question, the Director of the CIA in the months ahead must possess an extraordinary ability with all of these skills in order to fulfill the expectations of the Nation, the Congress, and the Agency itself.

ABOVE REPROACH

Of no lesser importance is the noteworthy fact that George Bush has, throughout his varied career, kept himself above reproach in domestic matters, and he has earned the respect of the many foreign governments with which he has come in contact. Perhaps at this time more than ever, it is vital that the Director of our intelligence network possess the esteem and high regard of both his countrymen and the rest of the world. In addition, his personal intelligence and affability, as well as his casual manner, should make him one of the more personable heads that this intelligence agency has had to date.

ASSET TO THE AGENCY

All of these characteristics can do no less than contribute to an improved image for the CIA, as well as to bolster the morale within the Agency at a time it is particularly needed. Furthermore, as a former Member of Congress himself, George Bush understands the role of this representative body and its need "to know," particularly in relation to certain nonpublic activities undertaken by the intelligence system. In this respect, I feel certain that the Ambassador will be a particular asset to the Agency, not only with regard to its administrative apparatus, but also with regard to its relationship with Congress and the public.

The Directorship of the Central Intelligence Agency can hardly be considered a "political springboard," or even a point of personal advancement for a man who has already had such a colorful career in so many fields of public service. Truly, Mr. Bush is to be commended for his willingness to accept what is sure to be, in many respects, a "thankless" job, but one that is so vital to the security of our Nation.

I am certain that George Bush will perform the duties of this position with the energy and dedication the job requires, that he will bring honor upon his Agency and his Nation, and that he will in all ways prove to be an outstanding choice for Director of the CIA. It is my hope that the Senate will act promptly in confirming the nomination of George Bush for this vital role in our national security.

Mr. HUDDLESTON. Mr. President, I have decided, after much thought and with some reluctance, that I must vote against the nomination of George Bush to be Director of Central Intelligence.

I have met Mr. Bush on several occasions and find him to be an affable, intelligent, and dedicated public servant. I believe that there are many positions of responsibility in Government that he might hold and hold with distinction, as he did his post in China.

But, as a member of the Select Committee to Study Government Operations with respect to intelligence activities, I have had the opportunity to examine in depth the various intelligence agencies and their activities, and I do not believe that the CIA should have as its head at this time a person whose prior offices have included among the most political in our Government and a person without experience in the intelligence community.

When Mr. Bush was first nominated, I expressed concern about the possibility of injecting any partisanship into intelligence gathering and analysis. As I noted then, the Central Intelligence Agency—

By its nature, demands objectivity and non-partisanship as the price of performing well. . . Intelligence estimates and reports based on political policy and political aims make bad intelligence reports and estimates, and they make bad policy. What we must strive for is objective intelligence, straightforward information which policymakers can evaluate and from which they can develop alternatives. It is in deciding the alternatives that political considerations, if they are to be brought in at all, should surface. But, in any event, they should result from intelligence, not form it.

I am confident that Mr. Bush would do his best to guarantee a nonpartisan approach, and in another time, in another atmosphere, that might work; but in today's time and today's atmosphere, I do not believe that is sufficient. The best of intentions, the best of approaches will not eradicate a political taint which derives not only from Mr. Bush's prior service in a very political position but also from the President's own words when he explained his reasons for removing Mr. Colby and Mr. Schlesinger.

I appreciate the President's desire to move on his staff persons he feels comfortable with, those he believes will be members of his team. In terms of personal staff and Cabinet posts, these could be valid reasons for change, but I do not believe the same applies to the Central Intelligence Agency. Political influence has no place there. The idea of playing on the President's team should be totally foreign, especially at this time.

A strong and effective intelligence agency is imperative to our security. There is no conceivable way we could do without one. All our intelligence agencies, particularly the Central Intelligence Agency, are passing through a difficult time. Discussions of abuses, which must obviously be identified and prevented in the future, have nevertheless obscured appreciation of the very important role which the agency plays and which must, of necessity in many instances, be kept secret. In such a situation it is certainly understandable that morale might be low among the best of dedicated men and women in the intelligence agencies who must wonder exactly what they are supposed to do and whether or not they will be supported by their own government and people when they do it. Such a situation can persist only so long and not undermine our vital intelligence functions. The time has come to mend, to repair.

These are obviously considerations of time and place. But coupled with the very real need to maintain an independent agency, an agency without a political taint either in appearance or substance, they demand that special requirements be placed upon the type of person who should serve as head of the agency.

Intelligence work is sophisticated, complex, difficult. It requires someone with at least a working familiarity with the various aspects of intelligence.

pecially at this time in our history, a person without highly partisan connections, who can restore the confidence not only of the American people but also of the many dedicated professionals in the service.

Mr. HELMS. It gives me no pleasure to question the wisdom of the nomination of George Bush to be Director of Central Intelligence. Both the nominee and the President who nominated him are friends of mine.

But the advice-and-consent responsibility of Senators is a duty which I take very seriously. I do not feel that the Bush nomination is a suitable one, regardless of my affection for him personally. Therefore, I cannot in good conscience vote to approve it.

In doing so I do not deprecate Mr. Bush in any way. I simply feel that, under the prevailing circumstances, it would be far better for him to serve in another capacity. George Bush is a very pleasant and affable man. I assume that he will be confirmed regardless of my vote, and I wish him well. I have never considered myself impossible of error, and I hope that my doubts about this particular nomination will prove to have been unfounded.

Mr. McGEE. Mr. President, serious questions have arisen as to the political desirability of the Senate approving the nomination of George Bush to the Director of the Central Intelligence Agency.

The objections stem from the fact that George Bush once served as national chairman of the Republican Party. Somehow, this is supposed to make him less capable of directing our Nation's intelligence efforts in an effective and impartial manner.

Mr. President, I have to voice my strong disagreement with the critics, because I believe they have chosen to ignore the public service of George Bush and the invaluable contributions he has made to our Government on a broad front.

I recall, all too well, the reservations expressed when George Bush was nominated to be our Ambassador to the United Nations. At that time, the critics were pointing to the fact that he did not have the international experience to assume the responsibility commensurate with assuming that key position. Yet, as a delegate from the U.S. Senate to the 27th General Assembly of the United Nations, I can personally testify to his superb performance as our Ambassador to the U.N. George Bush demonstrated his exceptional talent and skill in establishing a close and effective rapport with all missions represented at the United Nations. Most important was his close working relationship with representatives of the less developed nations. It was a time when we were listening to the grievances of these nations, expressing our reservations when we believed their perceptions of our policy to be incorrect, but in the end, achieving an atmosphere of mutual respect and cooperation on issues important to our national concern.

George Bush recognized the need for the United States to be sensitive to the less-developed nations and to spend time,

system, in working with these nations—that they were much too important to shove on the back burner in the conduct of our policy.

When George Bush resigned as Ambassador to the United Nations, he left that position commanding the respect of U.N. supporters as being one of the most effective Ambassadors of our time, because of the special skill and sensitivity he had brought to bear on his responsibility. He assumed the chairmanship of the Republican Party at a most difficult time—Watergate. I believe few in either party—Republican or Democrat—would disagree that he filled that role in a very statesmanlike manner.

As chairman of the National Republican Party, we continued our relationship as two individuals who were vitally concerned over the effectiveness of our participation in the United Nations. In particular was our mutual concern over placing this Nation back into compliance with U.N. sanctions against Rhodesia. His assistance was invaluable in our successful effort in the Senate during December 1974 to repeal the so-called Byrd amendment. While it was not in the definition of his responsibilities as chairman of the Republican Party, George Bush, nevertheless, continued his active pursuit of policies aimed at strengthening the U.S. role in the United Nations. Not once during his service as chairman of the Republican Party did he lose his sense of urgency or commitment to the United Nations as an important aspect of our foreign policy considerations.

It was due to these attributes that he became our representative to the People's Republic of China. Once again, the nomination was criticized on the basis that it was too sensitive a post to be given to a man who had been chairman of the Republican Party. Yet once again, George Bush demonstrated to his critics that he was more than equal to the task. He was held in high regard by the Chinese and served with distinction.

In my estimation, what is needed in the Central Intelligence Agency is a Director with a background deep-rooted in the intelligence service—Ager, A, B, or C. For example, most of the career professionals are suspect anyway, because of various hearings conducted by congressional committees and the reports filed by these committees. What the CIA needs is a proven and skillful administrator with a sense of public responsibility. This means a man sensitive to both the public and political processes of our Government and one who understands the division of responsibility within these processes. George Bush is such a man and the type of individual the Service will require for the next several years if we are able to piece together again a responsible and necessary intelligence service.

I would urge my colleagues to judge George Bush on the basis of his public record and the effective manner in which he has risen to the challenges of public service in the past. This is the only criteria by which we should judge whether or not he is capable of assuming the responsibilities of this critical position. If made on this basis,

Approved For Release 2003/04/02 : CIA-RDP79M00467A000200130039-4

then I believe my colleagues will agree that the ledger book comes out strongly in favor of George Bush. His past service as chairman of the Republican Party is completely irrelevant to the issue.

Mr. PHILIP A. HART. Mr. President, I shall vote against the confirmation of George H. Bush to be Director of Central Intelligence.

While I usually have voted to confirm the person a President, Democrat or Republican, wanted in his administration, I have done so for those positions primarily concerned with carrying out the President's programs. I have argued that the President should have the people he wants to assist in such efforts, and that the caliber of the appointments and their effectiveness will be judged at the next election.

However, that view does not extend to nominees to Federal courts or to Federal regulatory agencies. Neither the courts nor regulatory agencies should be involved in promoting the political program of an administration. Just as their task is different from that of a Cabinet office, so too is the task of the Director of the CIA.

Certainly, recent revelations of wrongdoings and misjudgments by our intelligence agencies are proof of what happens when such an agency bends to the partisan concerns of the administration in power.

Because of those abuses, public confidence in the CIA is at low ebb. To restore that confidence, the CIA needs a Director who, in fact and appearance, has the background, temperament, and ambition to withstand political requests, suggestions, or concerns which could lead the Agency away from its proper and important task—the gathering and reporting of accurate information.

This need is important not only to rebuild the confidence that the CIA will no longer pursue paths which led to proven misdeeds, but also to build confidence that the information the Agency reports is free of partisan political concerns and consideration.

Certainly no one can predict how a person will handle the pressures swirling around such a post as CIA Director. However, we can determine the appearance a particular nominee will bring to a job.

Whatever qualifications Mr. Bush may have for handling the technical responsibilities of the job, his background as a highly placed political aid—who, understandably, perhaps, never expressed a critical judgment of President Nixon while chairman of the National Republican Party—with political ambitions for the future makes him the wrong person to do the job of restoring public confidence in the Agency.

There are, I am sure, other individuals who possess talents equal, or perhaps superior, to those of Mr. Bush who would bring to the office the experience and background which would help restore confidence that the Agency is pursuing its assigned task and only its assigned task in an effective way.

For that reason, I will vote against the confirmation of Mr. Bush.

The post requires a "superman or superwoman." There are occasions when certain posts should be filled by one who has not been the national chairman of one of our major political parties. The FBI is one. The CIA is another.

Mr. MUSKIE. Mr. President, in light of the debate surrounding the nomination of George Bush to be Director of Central Intelligence, I wish to set out for the Record my reasons for supporting Mr. Bush's nomination.

In the first place, I do not find in Mr. Bush's background or Government service any serious suggestion that he is other than a man of integrity, and I do not believe that opponents of his nomination suggest otherwise. Mr. Bush has served as a Member of Congress, as our Ambassador to the United Nations, and as U.S. representative in Peking. His effective discharge of these important official responsibilities has never been questioned.

It has been suggested, however, that Mr. Bush's political activities have somehow rendered him unfit to serve as Director of the Central Intelligence Agency at a time when the integrity of that institution itself is under attack.

Mr. President, I take the other view. It seems to me that the CIA should be managed by someone who has a sense of how the American system operates, by someone who has some respect for the role of Congress as overseer of the operation of the Federal Government, and as representative of the political values in which Americans believe.

Mr. President, I believe that the Senate, in confirming Mr. Bush's nomination, should go on record in imposing on him a special responsibility. Should he be confirmed, I hope he will understand that the Congress is confirming him not only because it believes in his integrity, but also because it believes in his commitment to Congress' role in the oversight and administration of our intelligence activities.

On that understanding and hope, I plan to vote for Mr. Bush.

Mr. HASKELL. Mr. President, today I would like to state why I oppose the nomination of George Bush as Director of the Central Intelligence Agency. It was a considered decision and was with some reluctance that I came to this conclusion.

Without question, Mr. Bush has rendered to this country dedicated and valuable public service in a number of very responsible Government posts. He is a conscientious citizen who has served two terms in the Congress of the United States and twice was a candidate for the office of Senator. For 2 years he filled the position of chairman of the Republican National Committee where he regularly participated in meetings of the President's Cabinet. Mostly recently, he handled the sensitive mission as chief of the U.S. Liaison Office for the People's Republic of China.

Mr. President, I do not call into question the qualifications of Mr. Bush to

fill the country's high-level posts. I call into question the nomination of a man who has been deeply immersed in partisan politics for more than a decade to the most sensitive and nonpolitical Agency within our Government, the CIA.

This nominee who has been and will continue to be considered for the highest public offices in this country will be placed in a position beyond limitations of human nature. Mr. Bush will be required to present to high-level personnel, including the President and the National Security Council, the views and recommendations of the intelligence community with objectivity and without allowing the ever-present domestic political consequences to influence his judgment.

The select committee investigating our intelligence gathering agencies has revealed abuse after abuse over the past year which have shaken the confidence of the American people. They are not certain in their own minds that these agencies can obey the law, can limit their activities to foreign intelligence and most importantly, can refrain from involving themselves in partisan politics. Confirmation of Mr. Bush will not contribute to rekindling of confidence that the CIA is moving along the proper road to correct its mistakes of the past.

We all recognize the deep disenchantment of American people with institutions they feel have not served their interests. To place a politician in charge of an agency that needs insulation from politics and to expect the American people to trust our decision, will demonstrate profound insensitivity to the demands of our constituency and needs of our representative government.

Mr. CULVER. Mr. President, I will vote against the nomination of George Bush as CIA Director. I will do this without a shadow of prejudice against Mr. Bush or any doubts as to his integrity and ability. I simply do not believe that he is the proper nominee for the leadership of the Central Intelligence Agency at this sensitive point in that Agency's history and at this critical time in our national life.

I also have the utmost respect for the right of a President to staff his administration with qualified persons of his choice where there is no overriding reason in the public interest for opposition. In this case, in my judgment, there is such clear-cut reason. The qualifications called for in the CIA directorship at this time are unique and stand apart from credentials adequate for other high public offices.

The United States must have a strong, independent, and effective intelligence capability, free from policy bias and unmistakably deserving of public trust. Any nomination for Director which raises significant public doubt or disagreement only serves to delay the necessary process of rebuilding and reforming the CIA.

In his letter to the Armed Services Committee regarding the nomination, President Ford cited the importance of strengthening public confidence in the CIA and maintaining continuity in its leadership. Unfortunately, this particular nomination is likely to have a contrary result since it raises suspicions of political bias and the prospect of short tenure.

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With regard to tenure, we have learned in the case of both past and present directors should not become so entrenched that they grow stronger than passing administrations. But we have also learned that constant turnover or easy susceptibility to political changes is likewise destructive of the office.

The CIA is awaiting its fourth Director in only 3 years. And there is a strong chance that the elections next November will lead to another nomination for the position. Such a rate of turnover hinders the development of effective leadership and the restoration of public confidence and policy continuity in the CIA.

We are in imperative need of a Director who can restore intelligence to its rightful and proper place in our national security system. Unfortunately, the way this nomination was made and the inevitable political overtones of the appointment at this time have not contributed to that objective. In many ways, the nomination and the circumstances in which it was made, are an injustice to Mr. Bush.

In my view, it was unfair to deprive Mr. Bush of his constitutional birthright to be a candidate for Vice President or any other office as a condition to assuming this post. For me, this obscures rather than clarifies the central point as to why this honest and able man is not the right person for this particular post at this particular time.

I believe that the nominee should be a man or woman whom the next administration would consider for its choice for Director—someone qualified, independent, and nonpartisan enough to be able to provide more than transitional service. The Director should be immune to improper influence from even the highest places in our Government. As the Rockefeller commission put it, the CIA Director should have "the independence to resist improper pressure, whether from the White House, or elsewhere."

I subscribe to no dogmas about what sort of person should hold this office. There may, for example, be real advantages at times in having a Director who has not been an intelligence professional.

But I do know that the intelligence community now requires leadership with the power to command public trust and with a background as far from the substance or even the appearance of political partisanship as it is possible to get. A competent caretaker is not enough. The next Director must be a builder, a strong leader completely dedicated to the compelling needs of this particular job. He must command the allegiance of those who work in intelligence and the complete confidence of a nation that depends on the Agency's clear devotion to high standards of performance and fidelity to constitutional principles.

Thus, despite my high personal regard for Mr. Bush, I believe that overriding considerations of public interest must prevail in the selection of the CIA Director at this critical juncture in the Agency's history.

Mr. DOMENICI. Mr. President, I have the highest regard for Mr. Bush's integrity and am very confident of his capability to handle this very difficult position. We need now to get on with the

difficult job of straightening out our intelligence activities by giving it the direction it needs and must have quickly.

Nonetheless, I support this nomination reluctantly. The Central Intelligence Agency is in desperate need of new leadership that can restore and calm the public confidence, so necessary to the CIA in fulfilling its critical role of protecting this great but vulnerable democracy in the harsh reality of the world today. My reluctance stems from my feeling that Mr. Bush may not be the wisest choice for this position. I am convinced that George Bush is a dedicated American with proven leadership qualities and the requisite degree of administrative abilities, but I also feel there were many equally well-qualified individuals with a less partisan background. In my opinion, the Nation would have been better served by removing any linkage between leadership of the CIA and partisan politics.

However, with the President's assurances, along with Mr. Bush's, that he will not be in contention for the Vice Presidency in 1976, I believe his proven record of successful accomplishment of difficult assignments shows he can do this job effectively. In addition, it may be that his congressional background and political sensitivity will prove to be an asset for this position. In fact, this background may well provide the necessary oversight link we have been searching for.

Mr. CRANSTON. Mr. President, I rise to oppose the nomination of George Bush to be the Director of the Central Intelligence Agency and the head of the entire intelligence community. I do so without making any judgments about Mr. Bush's character or his abilities. I do so without caring about his party affiliation. Indeed, I have supported almost all appointments to high office by the two recent Republican administrations since coming to the Senate in 1969. I have sometimes championed Republicans for major appointments, when I thought they were qualified for the position at issue.

There are two major reasons why I will vote against the Bush nomination:

My opposition to Mr. Bush was not personal and I sincerely hope he does a good job. I opposed his confirmation, because he is such a controversial figure that he is virtually certain to be replaced within a year if there is a change in administrations—if a Democrat is elected President in November or even if some Republican other than President Ford is elected. That means by this time next year the CIA will probably have its fifth change in leadership in 4 years. That is a terrible rate of turnover at a time when the CIA, more than ever before, needs steady, stable direction for a rebuilding process so it can properly perform its vital intelligence gathering functions.

At a time when the CIA will be undergoing constructive reforms it needs at the top someone who can impart an air of stability and continuity. If the employees of the Agency see George Bush as a temporary Director, his leadership is less likely to be effective. If the other intelligence agencies see Bush as

only for the job, they will not take him seriously and the product of the Agency will not count for what it should in the total scheme of things. If the public sees him as a short-term holder of a most sensitive job, then it will wonder about what he is doing to keep his job or where he will try to land next.

Finally, Mr. President, I oppose the nomination, because of the conviction in the arguments of the four members of the Armed Services Committee who voted against Bush after hearing his testimony. They are Senators MCINTYRE, LEAHY, HART, and CULVER. Three of these Senators stated under "Minority Views":

To confirm Mr. Bush would set an unwelcome precedent for future nominations to this most sensitive post. . . . George Bush is a man of integrity and ability. We intend no adverse reflection on his character. But he has been nominated to the wrong position at the wrong time.

I would have been pleased to have had the opportunity to vote for a noncontroversial nominee: a person with knowledge of foreign policy and the defense; someone who was so outstanding as to merit the enthusiastic support of all of us and who would be kept on by our next President, no matter who that President may be.

Mr. MCINTYRE. Mr. President, my colleagues on this issue have presented their arguments so eloquently and effectively I see no need to summarize.

Instead, I would like to address directly three reservations most frequently cited or implied by those who hesitate to vote against confirmation of this nominee.

The first is the understandable reluctance to deny the President the appointee he wants. I share that reluctance. But I also share the Washington Star's conviction that the least desirable trait for a CIA Director at this time and under these circumstances is that he be identified as one of the President's "guys" with a disposition for "team play." What is needed is a man the public immediately perceives to be—again in the Star's words—"a hard-bitten naysayer who says the unsayable and bucks the trend of wishful thinking."

I would not presume to name that man. But surely this Nation has more than one James Schlesinger.

The second reservation cited by those who hesitate to vote "nay" on this nomination is an understandable reluctance to deny a sensitive post to a man because of his partisan political background.

Again, I share that same reluctance. And in another time, and under different circumstances, Mr. Bush's background would not inspire me to vote against his confirmation. But while there is admittedly some unfairness in discriminating against him for that reason at this time, there is, in my judgment, infinitely more unfairness in foisting his nomination upon an American public sick to death of suspect politics and richly deserving of a CIA Director in whom they can put their immediate trust and confidence.

The third reason offered or implied by those who are reluctant to vote for confirmation is closely tied to the second.

There is a hypersensitive fear that re-

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fusal to confirm will further denigrate politics and politicians at a time when restoration of esteem for both is so imperative.

But is it truly realistic to believe that a vote for confirmation will elevate the present dismal level of that esteem?

Let us be frank. We all know what can be read—rightly or wrongly—into this nomination: political cronyism and the desire of the White House to have a compatible custodian in charge of an agency under heavy fire. And we all know what could be read—rightly or wrongly—into confirmation of this nominee: clubby in-house loyalty, old school ties, and the image of politicians of every persuasion banding together to protect and advance one of "their own," regardless of the public interest.

An unfair reading? We can think so. But what really counts is how the public reads it.

So, I ask this of my colleagues. I ask them to imagine walking down the streets of their respective hometowns. I ask them to imagine seeking out town leaders whose character and integrity are unquestioned. I ask them to imagine asking those town leaders what they think of the prudence and the propriety of this nomination at this time and under these circumstances.

And then I ask my colleagues to ask themselves whether a yea vote or a nay vote will better serve the Nation, better serve the people, better serve the CIA, and better serve the cause of restoring respect and esteem to politics and politicians.

The PRESIDING OFFICER (Mr. GOLDWATER). All time has expired.

The question is, Will the Senate advise and consent to the nomination of George Bush, of Texas, to be Director of Central Intelligence? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WEICKER (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON), the Senator from Rhode Island (Mr. PELL), and the Senator from Florida (Mr. CHILES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—64

Allen
Eaker
Bartlett
Beall

Bell
Bentsen
Brock
Brooke

Burdick
Byrd,
Harry F., Jr.

Byrd, Robert C.
Cannon
Case
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Garn
Glenn
Goldwater
Gravel
Griffin
Hartke
Hatchfield
Hathaway

Hruska
Humphrey
Jackson
Javits
Lakalt
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
Montoya
Moss
Muskie
Nunn
Packwood
Pastore

Pearson
Percy
Randolph
Ribicoff
Roth
Scott, Hugh
Scott,
William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Tammadge
Thurmond
Tower
Young

NAYS—27

Abourezk
Biden
Bumpers
Church
Clark
Cranston
Culver
Durkin
Ford

Hart, Gary
Hart, Philip A.
Haskell
Hems
Huddleston
Inouye
Johnston
Kennedy
Leahy

Magnuson
McIntyre
Metcalf
Mondale
Morgan
Nelson
Proxmire
Stone
Williams

ANSWERED "PRESENT"—1

Weicker

NOT VOTING—8

Bayh
Chiles
Hansen

Hollings
Fell
Schweiker
Symington
Tunney

So the nomination was confirmed. Mr. TOWER. I move to reconsider the vote by which the nomination was agreed to.

Mr. HRUSKA and Mr. THURMOND moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BAKER). The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the Senator from South Carolina (Mr. HOLLINGS) to attend the Canada-United States Interparliamentary Conference, to be held in Key Biscayne, Fla., January 29-February 2, 1976.

MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed with the consideration of the bill, S. 961, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 961), the Magnuson Fisheries Management and Conservation Act of 1976.

The Senate resumed the consideration of the bill.

MESSAGE FROM THE HOUSE—HEW APPROPRIATIONS

A message from the House of Representatives was communicated to the Senate by Mr. Berry, one of its reading clerks.

The PRESIDING OFFICER. Without objection, the Chair now directs that the message from the House, together with the President's veto message to the House, be printed in the Record and spread on the Journal.

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The House of Representatives having proceeded to reconsider the bill (H.R. 8069) entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

To the House of Representatives:

I return without my approval H.R. 8069, the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1976.

As you know, I have just vetoed H.R. 5579, which would have extended for six months the temporary tax cut due to expire on New Year's Eve, because it was not accompanied by a limit on Federal spending for the next fiscal year. H.R. 8069 is a classic example of the unchecked spending which I referred to in my earlier veto message.

H.R. 8069 would provide nearly \$1 billion more in spending authority than I had requested. Not only would the \$45 billion total in this bill add significantly to the already burdensome Federal deficits expected this year and next, but the individual increases themselves are unjustified, unnecessary, and unwise. This bill is, therefore, inconsistent with fiscal discipline and with effective restraint on the growth of government.

I am not impressed by the argument that H.R. 8069 is in line with the Congress' second concurrent resolution on the budget and is, therefore, in some sense proper. What this argument does not say is that the resolution, which expresses the Congress' view of appropriate budget restraint, approves a \$50 million, or 15 percent, increase in Federal spending in one year. Such an increase is not appropriate budget restraint.

Effective restraint on the growth of the Federal Government requires effective limits on the growth of Federal spending. This bill provides an opportunity for such limitation. By itself, this bill would add \$382 million to this year's deficit and would make next year's deficit \$372 million more than if my recommendations had been adopted. In addition, the increases provided for this year would raise expectations for next year's budget and make the job of restraining spending that much more difficult. Thus, this bill would contribute to excessive deficits and needless inflationary pressures.

Furthermore, if this bill became law, it would increase permanent Federal employment by 8,000 people. I find it most difficult to understand how the American people favor increasing the number of employees on the Federal payroll, whether by Congress-

Senate

TUESDAY, JANUARY 27, 1976

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Reverend Dr. A. Knighton Stanley, pastor, People's Congregational Church, Washington, D.C., and executive director, Office of Bicentennial Programs, District of Columbia, offered the following prayer:

Speak to our hearts, O God our Father, as spirit makes itself known to spirit; speak to us, and help our hearts to hear. Guide us, O Lord, that we may recognize Thy voice whenever conscience summons us to courage, whenever duty calls us to a higher dedication, whenever companionship brings comfort and friendship manifests Thy love. So lead us beyond the shining monuments of our precious heritage, that we may know a new awakening of the spirit, a new growth toward both that unity and that individuality which leads us on toward Thee in this Bicentennial Year and throughout the third century of our mighty Nation. Be Thou our guide, that we may go forward with minds enlightened by Thy wisdom, with hearts healed of doubt and cleansed of discouragement, and with souls warmed by Thy love and aflame with Thy will. In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 26, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes.

ORDER FOR RECOGNITION OF SENATOR MORGAN ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. Morgan today be vitiated, and that it be transferred to Thursday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Maryland (Mr. MATHIAS) is recognized for not to exceed 15 minutes.

NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. MATHIAS. Mr. President, this afternoon the Senate will consider the nomination of George Bush to be the Director of the Central Intelligence Agency.

I have to say, Mr. President, that I consider the nomination of George Bush as Director of the Central Intelligence Agency to be a regrettable nomination. I think it is an imposition on the Senate, I think it is an imposition on the Central Intelligence Agency, and not least of all, I think it is an imposition on George Bush. I have told the President personally that I feel that in sending this nomination to the Senate, he has posed for me one of the most difficult questions that I have confronted in 15 years of congressional service.

My concern is not that George Bush might become a candidate for Vice President. As a matter of fact, I would be glad to vote for him for Vice President. In 1968 I urged that he be considered for the Republican ticket, although at that time he was a freshman Member of the House of Representatives. In any event, he has publicly disqualified himself from political activity in the foreseeable future. Nor do I think that George Bush would use the powers of the Director of the CIA to manipulate domestic politics to foster such a candidacy to the advantage of the incumbent party. The mere suspicion that he would do so would be enough to disqualify him without further debate; but he is an honorable man, and I do not harbor any such suspicion.

It is not George Bush's future that concerns me about his nomination. It is his past that I worry about.

It seems to me that in his past George Bush has acquired an obstacle to his confirmation that is virtually insurmountable. It is all the more difficult for him, because, I suspect, that it was not a voluntary acquisition. I refer, of course, to his term as chairman of the Republican National Committee.

As a member of the Select Committee to Study Intelligence Operations I have learned more than a little about the intelligence business. It is highly subjective and very sensitive. Nuances matter. Appearances are important.

To place at the head of CIA any person who has previously been at the head of a partisan political organization is singularly inappropriate. It negates the concept that intelligence is something apart from ordinary political activity;

that it requires unusual intellectual application and extraordinary discipline and restraint not found in ordinary governmental agencies. It raises the question within the agency as to whether common political practices such as log rolling, back slapping, and compromise are to be the order of the day at Langley. It raises the question outside the Agency as to whether we have altered our original view that intelligence operations, at least in theory, ought to be committed to a priesthood bound by vows of political chastity.

In short it makes the Agency suspect. And the CIA is one agency of Government which, like Caesar's wife Pompeia, cannot afford to be suspected. When viewing the Agency we can be a little more understanding of Julius Caesar's harsh judgment that " * * * I will not that my wife be so much as suspected."

This is the problem for George Bush, but it is by no means a personal problem. It is a disqualification which to my mind would apply to all chairmen of political parties, forever barring them from two specific offices of public trust: the directorships of the CIA and of the FBI. It is a disqualification that would operate impersonally to disqualify Lawrence O'Brien, Ray Bliss, Fred Harris, or Henry Jackson should any speculative President ever think of them as potential directors. I think if the rule were to be logically and consistently applied, it could disqualify George Bush.

This is a very hard conclusion for me to reach, because for me it is a personal problem. George and Barbara Bush are personal friends. They have been loyal when times were difficult and good company when there was a chance to relax and enjoy a few happy hours.

It is a decision of the sort that tears Senators apart; but to make the choice and cast a vote on a matter as critical as this on the basis of friendship and amiability would be to suggest that our Government can no longer make decisions grounded on hard facts. If this were the whole story, I would have to vote against George Bush's confirmation notwithstanding my affection for him.

But it is not the whole story. We are not acting under normal circumstances. My work on the select committee has given me some insight into the enormous and agonizing current problems of the intelligence community.

The CIA is in some degree in disarray. Its activities have been disrupted. The safety of its personnel is more than normally in jeopardy. The morale of the Agency must be restored. A reorganization and revitalization of the Agency is necessary at once if the Government is to obtain the information it requires to insure the security and welfare of the American people. The lessons learned

from the cathartic experience through which the Agency has passed must be put into practice without delay. Any prolonged further agitation within and about the Agency could delay the process of reconstruction beyond the danger point. Eyebrows raised in both friendly and hostile foreign governments would become serious doubts and the essential element of confidence could slip away from us.

So this then is the real dilemma of the situation. The Senate must choose between taking a step that is generally conceded to be dubious or even wrong in principle, or the Senate must uphold principle at the very real risk of creating a serious chink in our national armor, and it is not an easy choice.

I think it should be noted that it is not a choice of George Bush's making either in its remote origin or in its immediate impact. He was reluctant to surrender his post as Ambassador at the United Nations to become chairman of the Republican National Committee. He did so because he was pressed by President Nixon, and very few Americans can withstand an urgent personal draft by the President of the United States.

I do not have a sense at this time that his appointment as Director of the CIA represents the fulfillment of any deep personal wish or cherished personal ambition. I believe that it also is the response to a Presidential draft.

The Senate ought to have a different choice, or better yet, ought not to be confronted with this one at all. If the President's advisers were more faithful to his real interests. I do not think that we would be faced with this issue. But such a wish cannot be entertained in the real world. We are faced with it and must deal with it.

The need for an effective intelligence service is both real and urgent. The months that would be required to recruit and investigate a new Director and to nominate and confirm him is time that we may not have. A continuing proper public debate over the conduct of our intelligence operations could become a very noisy and nasty political brawl if we add at this time a new controversy over the rejection of the President's nominee for Director.

The risk of further deterioration of our intelligence capacity is just too great.

The nomination of George Bush will have to be confirmed with all of the reservations that I have tried to express, because it seems to me that his confirmation represents the lesser of two evils.

At least we are aware of the existence of the taint of partisan politics. We have surfaced it, we have identified it, and we have raised the alarm about it. We know it is there and certainly George Bush knows it is there. It can be monitored, and it will be closely observed both within and without the Central Intelligence Agency.

On the other hand, the extent of the risk involved in a new confrontation cannot be estimated. Mr. Colby has delivered his valedictory, and he is ready to leave. His bags are packed.

The eruption of issues, if this debate is continued, is pre-

dictable, but their form and shape and the time they would consume is not predictable. It is too hard to guess what might be involved, and the stakes are too high to permit us a guessing game.

I shall, therefore, with reservations, vote to confirm the nomination of George Bush to be the Director of the Central Intelligence Agency.

Mr. MANSFIELD. Mr. President, I have listened with interest to the well thoughtout conscientious remarks of the distinguished Senator from Maryland. When I use the word "conscientious" I use it in its best sense because if there is a conscientious Senator in this body, it is the Senator from Maryland (Mr. MATHIAS).

Recognizing all the questions which he has raised, it is my intention, nevertheless, to vote for the confirmation of George Bush to succeed Mr. William E. Colby, as Director of the CIA. I do so on the basis of his service in the House of Representatives, on the basis of his services as the U.S. Ambassador to the United Nations, and on the basis of his services as the chief of the U.S. Liaison Office to the People's Republic of China.

The question has been raised about his position as chairman of the Republican National Committee. I have given that consideration. To the best of my knowledge, while he was chairman of that committee, that committee was not involved in any way, shape, or form with the Watergate affair.

Perhaps a politician in that job might be a good thing, if he is a respected and honored member of that species. We have not had any politicians heading the CIA up to this time but rather non-politicians, and it is through some of them that some of the difficulties, now being investigated and inquired into, have arisen. I have an idea that what the select committee, the so-called Church-Tower committee, has been able to do will serve as a warning to the CIA, in general, and to the man, in particular, who heads it, and that there will be nothing more in the way of shenanigans in the years ahead.

I think that George Bush will go into that position, if he is confirmed by the Senate, with the knowledge that he is, in a certain sense, on the spot, and he will bend over backwards to perform, to the best of his ability, in line with what he considers to be the intent, not of a President, but of Congress.

Incidentally, may I say that I believe there has been too much emphasis on the CIA in the hearings conducted by the Church-Tower committee and not enough emphasis on the intelligence community, in general, where we will find most of the personnel and, I would not doubt, most of the expenditures as well, even though since 1969 all the intelligence agencies, with a few exceptions, have reduced their personnel by something on the order of 43 percent.

I do not approve of the names of CIA members being published in the newspapers. It is a horrendous thing to do because, in an underworld phrase, it, in effect, puts a "finger" on them and makes

Bush, he will perform with integrity and understanding, and that the lessons of the Church-Tower committee will not be lost on him, especially, to repeat, or on the agency, in general.

Speaking of the Church-Tower committee, I wish to compliment the members of that committee because that committee has not been responsible for any leaks—and I have inquired into this matter—during the whole tenure of its existence. By and large it has acted on a basis of unanimity. The only split was last week when there were divergent views between the chairman and the ranking Republican member as to what kind of an oversight committee should be created once the Church-Tower committee goes out of existence.

Mr. President, it would be my hope that such responsibilities would not revert back again to only the three subcommittees, because they have not done a very good job in exercising their responsibility of oversight, and that is a conservative statement.

I hope that a standing committee of the Senate will be selected and, if possible, the House agreeing, a joint committee, to the end that there can be a better rapport between Congress and the CIA and the other intelligence agencies; to the end that, where the facts support it, those agencies can be supported; to the end that unfair charges against them can be done away with or faced up to in instances where they are unable to speak for themselves.

So it is with no trepidation on my part that I support the President's nomination of George Bush to the office of Director of the Central Intelligence Agency. His will not be an easy job.

I am delighted that the Senator from Maryland has made the statement he has, because that, too, will serve as a warning and that, too, I believe, will strengthen George Bush in the position which he will assume if Congress sees fit to confirm the nomination of the President.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed beyond 11 a.m., with statements therein limited to 5 minutes each.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FORD. Mr. President, I ask unanimous consent that Bill Wester of my staff be allowed the privileges of the floor for the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.